FEDERAL REGISTER

VOLUME 24 NUMBER 165

Washington, Saturday, August 22, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC TECHNICAL AND PROFESSIONAL POSITIONS

Department of the Interior; Student Trainee

The headnote of § 24.121 and paragraphs (a) (1) and (a) (3) are amended to read as follows:

§ 24.121 Student Trainee, GS–2–4, in the following codes: GS–402, GS–408, GS–455, GS–458, GS–462, GS–483, GS–802, GS–1311, GS–1341, GS–1371, GS–1521 or any other code covering student trainee for any specialized field as follows: any biological science (GS–400 Group, including the Park Ranger Series, GS–453); any branch of engineering (GS–800 Group); any physical science (GS–1300 Group); any profession of the mathematics and statistics group (GS–1500 Group); and the specific fields of architecture, landscape architecture, patent examining, food and drug inspecting, economics, accounting, archeology, archival science, and history.

(a) *Educational requirements.* (1) For student trainee, GS–2 applicants must have been enrolled or have been accepted for enrollment in an accredited college or university in a curriculum leading to a bachelor's degree in one of the specialized fields shown in the headnote of this section; or they must have been graduated from an accredited high school with credits in all courses required for admission to such a college curriculum.

* * * * *

(3) The college study specified must have been at an accredited college or university in a full 4-year or longer curriculum leading to a bachelor's degree with specialization in one of the fields listed in the headnote of this section. The specialized field for which the applicants apply, and in which they will receive training on the job if appointed, must be consistent with the curriculum they are pursuing in college. The degree of specialization in this field must have been such that at the time of graduation the course requirements specified for eligibility in the U.S. Civil Service Commission's examination for the corresponding GS–5 positions in the specialized field can be met. College study at an accredited junior college will be accepted if the credits are acceptable in full by a 4-year accredited college toward completion of its own curriculum in the field concerned.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59–7001; Filed, Aug. 21, 1959; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; Utah

On August 7, 1959, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

UTAH

County	*Average value*
Beaver	$30,000
Box Elder	35,000
Cache	35,000
Carbon	30,000
Daggett	30,000
Davis	35,000

(Continued on p. 6831)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

CODIFICATION GUIDE—Con.

UTAH—Continued

County	Average value
Duchesne	$30,000
Emery	30,000
Garfield	30,000
Grand	30,000
Iron	30,000
Juab	30,000
Kane	30,000
Millard	35,000
Morgan	35,000
Piute	32,000
Rich	35,000
Salt Lake	35,000
San Juan	30,000
Sanpete	32,000
Sevier	35,000
Summit	35,000
Tooele	30,000
Uintah	30,000
Utah	35,000
Wasatch	35,000
Washington	30,000
Wayne	32,000
Weber	35,000

(Sec. 41, 50 Stat., as amended; 7 U.S.C. 1015; Order of Acting Secretary of Agriculture, 19 F.R. 74, 77, 22 F.R. 8183)

Dated: August 17, 1959.

H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-7006; Filed, Aug. 21, 1959; 8:49 a.m.]

Subchapter B—Farm Ownership Loans

[Administration Letter 652 (440)]

PART 331—POLICIES AND AUTHORITIES

SUBCHAPTER D—SOIL AND WATER CONSERVATION LOANS

[Administration Letter 652 (440)]

PART 351—POLICIES AND AUTHORITIES

Interest Rates on Direct Farm Ownership Loans and Direct Soil and Water Conservation Loans to Individuals

The interest rate on direct Farm Ownership loans and direct Soil and Water Conservation loans to individuals approved on and after September 1, 1959, will be five (5) percent per year. Accordingly, § 331.9(c)(1), Title 6, Code of Federal Regulations (21 F.R. 10446), and § 351.2(d)(1)(ii), Title 6, Code of Federal Regulations (20 F.R. 1964), are amended to read as follows:

§ 331.9 Sources of funds and terms of loans.

* * * * *

(c) *Interest rates*—(1) *Direct loans.* For direct loans approved on and after September 1, 1959, interest will be charged at the rate of five percent (5%) per year on the unpaid principal.

(Sec. 3, 60 Stat. 1074, as amended, sec. 18, 72 Stat. 840, sec. 41, 60 Stat. 1066; 7 U.S.C. 1003, 1006e, 1015. Order of Acting Secretary of Agriculture, 19 F.R. 74, 77, 22 F.R. 8188)

§ 351.2 Loans to individuals.

* * * * *

(d) *Rates and terms*—(1) *Interest rates and loan insurance charges.*

* * * * *

(ii) For direct Soil and Water Conservation loans approved on and after September 1, 1959, the interest rate will be five percent (5%) per year on the unpaid principal.

(Secs. 9, 10, 68 Stat. 735, sec. 11, 72 Stat. 841; 16 U.S.C. 590x-2, -3, -4. Order of Acting Sec. of Agric., 19 F.R. 74, 77, 22 F.R. 8183)

Dated: August 18, 1959.

H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-7007; Filed, Aug. 21, 1959; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Notice of the proposed issuance of amendments to the regulations governing the inspection of poultry and poultry products (7 CFR Part 81, as amended) was published in the FEDERAL REGISTER of June 10, 1959 (24 F.R. 4699). The regulations hereinafter promulgated are issued pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451 et seq.).

The amendments incorporate definitions of the various classes of poultry and other requirements with respect to the name of the product for labeling purposes. A provision is added which prohibits overtime and holiday inspection service in establishments that are in a delinquent status with respect to the payment for overtime and holiday service rendered the establishment. The amendments require inspection of the poultry ingredients in certain exempted poultry products. Certain specified types of food products which contain very small quantities of poultry meat and certain poultry dishes are exempted from the category of poultry products. Other changes clarify the meaning of certain existing provisions of the regulations, relieve restrictions thereof, or impose minor additional or different requirements.

After consideration of all relevant material, the regulations in 7 CFR Part 81, as amended, are hereby further amended as follows:

1. Change § 81.7 to read:

§ 81.7 Poultry and poultry products entering or prepared in official establishments.

All poultry and poultry products processed in an official establishment shall be inspected, handled, prepared, marked and labeled as required by the regulations in this part, and all dressed poultry and poultry products entering an official establishment shall have been inspected and shall be marked as required by the regulations in this part.

§ 81.14 [Amendment]

2. Change § 81.14(a)(2) to read:

(2) Four copies of drawings or blueprints showing the features specified herein shall be submitted to the Administrator. The drawings or blueprints shall be legible, made with sharp, clear lines, be properly drawn to scale, and shall consist of floor plans and a plot plan. Drawings or blueprints consisting of more than one sheet shall be bound together at the left margin in sets.

3. Change §§ 81.14 (a)(3) and (b)(5), respectively, to read:

(3) The plot plan shall show such features as the limits of the plant's premises, locations in outline of buildings on the premises, one point of the compass, and the location of roadways, railroads and water and sewer lines or sewage facilities serving the plant.

(b) * * *

(5) All floor drain openings and gutter drains, and for all buildings constructed after September 1, 1959, the approximate location of all underfloor and underground piping.

§ 81.25 [Amendment]

4. Change § 81.25(b) to read:

(b) During such period of suspension, no processing of poultry or poultry products for commerce shall be carried on in the official establishment. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, inspection service shall be withdrawn from the official establishment. Upon withdrawal of inspection service in an official establishment, the plant approval shall also become terminated.

§ 81.35 [Amendment]

5. Change § 81.35(b)(4) to read:

(4) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings unless an automatic backwater check valve is installed to pre-

vent back-flow. Drainage from toilet bowls and urinals shall not be discharged into a grease catch basin, nor shall such drainage be permitted to enter the sewer lines at a point where there might be a possibility of such drainage backing up and flooding the floor of the building.

§ 81.131 [Amendment]

6. Add the following new paragraphs (e) and (f) to § 81.131:

(e) The name of the product required to be shown on labels for fresh or frozen raw whole carcasses of poultry shall be in either of the following forms: The name of the kind (such as chicken, turkey, or duck) preceded by the qualifying term "young" or "mature" or "old", whichever is appropriate; or the appropriate class name as described in paragraph (f) of this section. The name of the kind may be used in addition to the class name, but the name of the kind alone without the qualifying age or class term is not acceptable as the name of the product. The class name may be appropriately modified by changing the word form such as using the term "roasting chicken", rather than "roaster". The name "chicken" may be used without qualification with respect to a ready-to-cook pack of fresh or frozen cut-up young chickens, or a half of a young chicken, and the name "duckling" may be used without qualification with respect to a ready-to-cook pack of fresh or frozen young ducks. The appropriate names for cut-up parts are set forth in paragraph (d) of this section. When naming parts cut from young poultry, the identity of both the kind of poultry and the name of the part shall be included in the product name. The product name for parts or portions cut from mature poultry shall include, along with the part or portion name, the class name or the qualifying term "mature". The name of the product for cooked or heat processed poultry products shall include the kind name of the poultry from which the product was prepared.

(f) The appropriate class names for the various kinds of poultry are as follows:

(1) *Chickens*—(i) *Rock Cornish game hen or Cornish game hen.* A Rock Cornish game hen or Cornish game hen is a young immature chicken (usually 5 to 6 weeks of age) weighing not more than 2 pounds ready-to-cook weight, which was prepared from a Cornish chicken or the progeny of a Cornish chicken crossed with another breed of chicken.

(ii) *Broiler or fryer.* A broiler or fryer is a young chicken (usually 9 to 12 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and flexible breastbone cartilage.

(iii) *Roaster.* A roaster is a young chicken (usually 3 to 5 months of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that may be somewhat less flexible than that of a broiler or fryer.

(iv) *Capon.* A capon is a surgically unsexed male chicken (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin.

(v) *Caponette.* A caponette is a young, tender-meated chicken (usually under 8 months of age), with soft, pliable, smooth-textured skin, which has been treated with diethylstilbestrol or its equivalent.

(vi) *Stag.* A stag is a male chicken (usually under 10 months of age) with coarse skin, somewhat toughened and darkened flesh, and considerable hardening of the breastbone cartilage. Stags show a condition of fleshing and a degree of maturity intermediate between that of a roaster and a cock or old rooster.

(vii) *Hen or stewing chicken or fowl.* A hen or stewing chicken or fowl is a mature female chicken (usually more than 10 months of age) with meat less tender than that of a roaster, and nonflexible breastbone tip.

(viii) *Cock or rooster.* A cock or rooster is a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone tip.

(2) *Turkeys*—(i) *Fryer-roaster turkey.* A fryer-roaster turkey is a young immature turkey (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(ii) *Young hen turkey.* A young hen turkey is a young female turkey (usually 5 to 7 months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a fryer-roaster turkey.

(iii) *Young tom turkey.* A young tom turkey is a young male turkey (usually 5 to 7 months of age), that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a fryer-roaster turkey.

(iv) *Yearling hen turkey.* A yearling hen turkey is a fully matured female turkey (usually under 15 months of age) that is reasonably tender-meated and with reasonably smooth-textured skin.

(v) *Yearling tom turkey.* A yearling tom turkey is a fully matured male turkey (usually under 15 months of age) that is reasonably tender-meated and with reasonably smooth-textured skin.

(vi) *Mature turkey or old turkey (hen or tom).* A mature or old turkey is an old turkey of either sex (usually in excess of 15 months of age) with coarse skin and toughened flesh.

(3) *Ducks*—(i) *Broiler duckling or fryer duckling.* A broiler duckling or fryer duckling is a young duck (usually under 8 weeks of age), of either sex, that is tender-meated and has a soft bill and soft windpipe.

(ii) *Roaster duckling.* A roaster duckling is a young duck (usually under 16 weeks of age), of either sex, that is tender-meated and has a bill that is not completely hardened and a windpipe that is easily dented.

(iii) *Mature duck or old duck.* A mature duck or an old duck is a duck (usually over 6 months of age), of either sex, with toughened flesh, hardened bill, and hardened windpipe.

(4) *Geese*—(i) *Young goose.* A young goose may be of either sex, is tender-meated, and has a windpipe that is easily dented.

(ii) *Mature goose or old goose.* A mature goose or old goose may be of either sex and has toughened flesh and hardened windpipe.

(5) *Guineas*—(i) *Young guinea.* A young guinea may be of either sex, is tender-meated, and has a flexible breastbone cartilage.

(ii) *Mature guinea or old guinea.* A mature guinea or an old guinea may be of either sex, has toughened flesh, and a hardened breastbone.

7. Change § 81.147 to read:

§ 81.147 Products of poultry not intended for human food or intended for export for processing as human food.

Products of poultry that are not intended for use as human food may, after they have been denatured by an approved substance and procedure, be shipped from the official establishment and in commerce even though they do not comply with all the provisions of the regulations applicable to poultry products. However with respect to such items as poultry heads, feet, or parts which are inedible due to causes other than disease, it is not required that these items be denatured if they are mixed with the offal prepared for animal food and marked as such or marked "Not fit for human food." Moreover, feet and heads which are kept separate from the offal and which have not been prepared as poultry products may be shipped from the official establishment and in commerce if they are marked "Not fit for human food" or if they are intended for export for further processing as human food and have been examined and found suitable for such purpose and are marked in a manner approved by the Administrator. The containers of all such aforesaid products shall bear the name and address of the packer and the plant number of the plant where packed and shall not bear the official inspection mark.

8. Change § 81.153 to read:

§ 81.153 Shipment of dressed poultry in commerce.

Dressed poultry or any poultry slaughtered for human food or any part thereof, separately or in combination with other ingredients (other than poultry products) shall not be delivered, received, transported, sold or offered for sale or transport in commerce or from an official establishment, except as provided in the regulations in this part: *Provided,* That such poultry may be transported from one official establishment to another official establishment or between an official establishment and a foreign country.

§ 81.156 Distribution of inspected products to small lot buyers.

For the purpose of facilitating the distribution in commerce of inspected poultry products to small lot buyers (such as small restaurants), distributors or jobbers may remove inspected poultry prod-

ucts from shipping containers or immediate containers, other than consumer packages, and place them into other shipping containers which do not bear the inspection mark: *Provided,* That the individual carcasses or consumer packages of the poultry products bear the inspection mark and the plant number of the establishment that processed such products: *And provided further,* That the shipping container is marked with the name and address of the distributor or jobber and bears the statement "The poultry product contained herein was inspected by the U.S.D.A."

§ 81.173 [Amendment]

10. Add the following to § 81.173: "Bills are payable upon receipt and become delinquent immediately following the end of the month in which they were rendered. Overtime or holiday inspection service will not be performed at any establishment that is delinquent and processing operations shall be confined to the regular operating schedule of the establishment."

§ 81.202 [Amendment]

11. Change paragraphs (a) (1) and (2) of § 81.202, respectively, to read:

(1) Poultry processors who conduct no slaughtering or eviscerating operations but who engage in further processing operations such as canning, preparing poultry pies, poultry dinners, or other poultry products, or cutting-up and repackaging of ready-to-cook poultry, are hereby exempted, upon compliance with the conditions set forth in this section, from the requirements of section 9(a) of the Act with respect to continuous resident inspection and from the continuous resident inspection provisions of the regulations in this part; and the poultry products produced by such processors are likewise exempted: *Provided,* That the poultry ingredients in such products have been inspected pursuant to the regulations in this part, or the regulations in Part 70 of this chapter.

(2) Poultry processors who conduct slaughtering or eviscerating operations, as well as further processing operations, are hereby exempted, upon compliance with the conditions set forth in this section, from the requirements of section 9(a) of the Act with respect to continuous resident inspection and from the continuous resident inspection provisions of the regulations in this part, insofar as they concern the further processing operations; and the poultry products produced in such further processing operations are likewise exempted: *Provided,* That the poultry ingredients in such products have been inspected pursuant to the regulations in this part, or the regulations in Part 70 of this chapter. For purposes of this paragraph, cutting-up and packaging of the raw product at the establishment where inspected shall be considered to be an integral part of the slaughtering and eviscerating operations rather than further processing operations.

12. Change paragraph (f) of § 81.202 to read:

(f) The labeling provisions set forth in §§ 81.125 to 81.147 shall apply to poultry products exempted by this section, with the exception that the plant number and the inspection mark as required in § 81.130 shall not be used, but in lieu thereof, the shipping containers or the immediate containers if there are no shipping containers, shall be marked: "USDA Exemption No. _____" (use number of exemption certificate) and with respect to ready-to-cook carcasses that are cut up and packaged in approved plants, any official inspection marks placed on the carcasses at the establishment where such poultry was inspected may remain with the product. Notwithstanding the foregoing, if the exempted products are processed under continuous resident inspection under the regulations in Part 70 of this chapter, a plant number and inspection mark as provided in the regulations in this part may be used, in which case the special labeling requirements of this paragraph shall not apply.

13. Add a new § 81.208 to read:

§ 81.208 Exemption of certain human food products which contain poultry.

The human food products listed in this section, which consist in part of edible parts of poultry, are hereby exempted from classification as poultry products under the Act: *Provided,* That the poultry used in such products is federally inspected or inspected under an approved foreign inspection system and the other conditions set forth herein are met.

(a) Soups which contain less than 2 percent cooked poultry meat: *Provided,* That the kind name (such as chicken or turkey) shall not be used in the product name.

(b) Dehydrated soups which contain less than 2 percent cooked poultry meat, computed on the basis of moist deboned cooked poultry: *Provided,* That the kind name (such as chicken or turkey) shall not be used in the product name.

(c) Soup bases which contain less than 2 percent cooked poultry meat, computed on the basis of moist deboned cooked poultry: *Provided,* That the kind name (such as chicken or turkey) shall not be used in the product name.

(d) Gravies, sauces, seasonings or flavorings which contain poultry meat or poultry fat only in condimental quantities.

(e) Bouillon cubes, poultry broths, poultry fat capsules, and sandwiches containing poultry.

(f) Food products which have been traditionally not regarded as poultry products such as noodles, tamales, pizza, ravioli, Brunswick stew, and fried rice, but which contain small amounts of poultry fat, skin or less than 2 percent poultry meat: *Provided,* That the kind name (such as chicken or turkey) shall not be used in the product name.

(g) Poultry dishes used in meals that are prepared by caterers or restaurants and served direct to consumers.

(h) For the purposes of this section only, the term "poultry meat" shall be construed to mean deboned white or dark meat, or both.

§ 81.305 [Amendment]

14. Change paragraph (c) of § 81.305 to read:

(c) Means of conveyance or packages in which any product is moved in accordance with this subpart, prior to inspection, from the port or wharf where first unloaded in the United States, shall be sealed with special import seals of the Department of Agriculture or otherwise identified as provided herein, unless already sealed with customs or consular seals in accordance with the customs regulations. Packages shall be securely tied before being offered for sealing. Such special seals shall be affixed by inspectors, or, if there is no inspector at such port, then by customs officer. In lieu of tying and sealing packages, the carrier or importer may furnish and attach to each package of product a warning notice on bright green paper, not less than 5 x 8 inches in size, containing the following legend in black type of a conspicuous size:

(Name of Truck Line or Carrier)

NOTICE

This package of poultry product must be delivered intact to an inspector of the Poultry Inspection Branch, U.S. Department of Agriculture.

WARNING

Failure to comply with these instructions will result in penalty action being taken against the holder of the customs entry bond.

If the product is found to be acceptable upon inspection, the package will be marked "Approved for Import Under P.P.I.A." and this warning notice defaced.

15. Change § 81.307 to read:

§ 81.307 Marking of products offered for importation.

(a) Poultry products which upon inspection are found to be acceptable for importation into the United States shall be marked "Approved for Import Under P.P.I.A.", or an authorized abbreviation thereof, and with the name of the station to which the inspector is assigned. Dressed poultry which upon inspection is found to be acceptable, shall be marked "Dressed Poultry—Eligible for Processing under U.S.D.A. Inspection". Products which are inspected and rejected shall be marked "U.S. Refused Entry." Such marks shall be applied to the shipping containers.

(b) To each consumer package of imported poultry product which has been inspected and passed in compliance with this part and which is to be removed from the shipping container at a place other than an official establishment, and thereafter to be transported in commerce, or to an official establishment, there shall be securely affixed, under the supervision of an inspector, a sticker, approved by the Administrator, bearing the wording "Approved for Import Under P.P.I.A." and an identifying serial number.

(c) To each consumer package of any imported poultry product which has been inspected and passed in compliance with this part and which is removed from a shipping container at an official establishment, a sticker bearing the wording "Approved for Import Under P.P.I.A." and the plant number shall be

securely affixed, before the same shall be allowed to leave the establishment.

§ 81.311 [Amendment]

16. Change paragraph (a) of § 81.311 to read:

(a) Any product, other than dressed poultry which is forbidden entry by other Federal law or regulation, offered for importation in small quantity, exclusively for the personal use of the consignee, and not for sale or distribution, which is sound, healthful, wholesome, and fit for human food, and which is not adulterated and contains no substance not permitted by the Act or regulations in this part, may be admitted into the United States without foreign inspection certificates and such products are not required to be inspected upon arrival in the United States.

(Sec. 14, 71 Stat. 447; 21 U.S.C. 463; 19 F.R. 74, as amended)

The foregoing amendments differ in certain respects from the provisions contained in the notice of rule-making. These differences are due to changes made for clarification of the amendments or existing provisions, or pursuant to comments received pursuant to the notice, or to relieve requirements set forth in the notice, or to impose additional requirements in connection with matters included in the notice which are deemed necessary to assure that the amendments effectuate the purposes of the act. It is not believed that the changes will be objectionable to affected persons and it does not appear that further notice and other public rule-making procedure on the amendments would make additional information available to the Department. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further public rule-making procedure on the amendments is impracticable and unnecessary.

Issued at Washington, D.C., this 18th day of August 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-6994; Filed, Aug. 21, 1959; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 179]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.479 Valencia Orange Regulation 179.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 20, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 23, 1959, and ending at 12:01 a.m., P.s.t., August 30, 1959, are hereby fixed as follows:

(i) District 1: Unilimited movement;
(ii) District 2: 762,300 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 21, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7067; Filed, Aug. 21, 1959; 11:26 a.m.]

[Lemon Reg. 806]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.913 Lemon Regulation 806.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the

period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 19, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 23, 1959, and ending at 12:01 a.m., P.s.t., August 30, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 325,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 20, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7055; Filed, Aug. 21, 1959; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 30; Amdt. 35]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and modification of Wright TC18DA and TC18EA series engines was published in 24 F.R. 5187.

Interested persons have been afforded an opportunity to participate in the making of the amendment, and due consideration has been given to all relevant matter presented. In light of industry comments received, proposed compliance dates have been changed to afford the operators additional time for completion of rework.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directive:

59-17-1 WRIGHT ENGINES. Applies to all Wright TC18DA and TC18EA Series engines.

Compliance required as follows: Engine Model TC18EA2—Not later than October 1, 1959. All other EA Series Models and TC18DA Series—At the first overhaul after October 15, 1959, but not later than March 31, 1960.

Instances of propeller shaft cracking through the hydro-oil holes have occurred causing a loss of propeller control. To increase the strength of the propeller shaft and prevent this type of failure, the walls of the hydro-oil holes must be inspected and shotpeened in accordance with the instructions contained in Wright Aeronautical Division Service Bulletin No. TC18E-178 or TC18-359.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 18, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-6977; Filed, Aug. 21, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7451 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Freiss Originals, Inc., Et Al.

Subpart—*Furnishing false guaranties:* § 13.1053 *Furnishing false guaranties:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, Freiss Originals, Inc., et al., New York, N.Y., Docket 7451, July 9, 1959]

In the Matter of Freiss Originals, Inc., a Corporation, and Isidore Reiss, Howard Reiss, Fred Reiss, and Edward Reiss, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City manufacturers with violating the Wool Products Labeling Act by labeling as 100% wool, ladies' coats which contained a substantial quantity of other fibers; by failing to label certain wool products as required; and by furnishing false guaranties that certain of their wool products were not misbranded.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Freiss Originals, Inc., a corporation, and its officers, and Isidore Reiss, Howard Reiss, Fred Reiss and Edward Reiss, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of ladies' coats or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939;

B. Furnishing false guarantees that wool products are not misbranded under the provisions of the Wool Products Labeling Act, when there is reason to believe that the wool products so guaranteed may be introduced, sold, transported or distributed in commerce.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Freiss Originals, Inc., a corporation, and Isidore Reiss, Howard Reiss, Fred Reiss, and Edward Reiss, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 10, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-6983; Filed, Aug. 21, 1959; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 40—MANUFACTURERS AND RETAILERS EXCISE TAXES

CROSS REFERENCE: For partial supersedure of regulations in this part, see Part 48 of this chapter, *infra.*

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Sale of Tires, Inner Tubes, and Tread Rubber

The regulations set forth below are hereby prescribed to provide introductory provisions of the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48), relating to the taxes imposed by Chapters 31 and 32 of the Internal Revenue Code of 1954, as amended, and to provide regulations under certain provisions of Chapter 32 of the Internal Revenue Code of 1954, as amended, relating to tires, tubes, and tread rubber. The regulations, except where otherwise specifically provided, are applicable in respect of sales made on or after January 1, 1959. Regulations under other provisions of Chapters 31 and 32 and under those administrative provisions of subtitle F of the Code which have special application to the taxes imposed by such chapters will be separately published.

Subpart A—Introduction

Subparts B to G—[Reserved]

Subpart H—Motor Vehicles, Tires, Tubes, Tread Rubber, Gasoline, and Lubricating Oil

TIRES, TUBES, AND TREAD RUBBER

AUTHORITY: §§ 48.0–1 to 48.4073–4 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 29 U.S.C. 7805.

Subpart A—Introduction

§ 48.0–1 Introduction.

(a) *In general.* The regulations in this part (Part 48, Subchapter D, Chapter I, Title 26 (1954), Code of Federal Regulations) are designated "Manufacturers and Retailers Excise Tax Regulations." The regulations relate to the taxes imposed by chapters 31 and 32 of the Internal Revenue Code of 1954, as amended, and to certain related administrative provisions of subtitle F of such Code. Chapter 31 of the Code imposes a tax on the sale at retail of articles specified in such chapter and Chapter 32 of the Code imposes a tax on the sale by the manufacturer, producer, or importer of articles specified in that chapter. References in these regulations to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954, as amended, unless otherwise indicated. References to a section or other provision of law are references to a section or other provision of the Internal Revenue Code, as amended, unless otherwise indicated.

(b) *Division of regulations.* The regulations in this part are divided into 15 subparts. Subpart A contains provisions relating to the arrangement and numbering of the sections of the regulations in this part, general definitions and use of terms, scope of regulations, and the extent to which the regulations in this part supersede prior regulations relating to the excise taxes imposed by chapters 31 and 32 of the Internal Revenue Code. The other subparts of the regulations in this part and the subject matter to which they relate are as follows:

Subpart B—Jewelry and related items.
Subpart C—Furs.
Subpart D—Toilet preparations.
Subpart E—Luggage, handbags, etc.
Subpart F—Special fuels.
Subpart G—Special provisions applicable to retailers taxes.
Subpart H—Motor vehicles, tires, tubes, tread rubber, gasoline, and lubricating oil.
Subpart I—Refrigeration equipment, electric, gas, and oil appliances, and electric light bulbs.
Subpart J—Radio and television sets, phonographs, phonograph records, and musical instruments.
Subpart K—Sporting goods, photographic equipment, and firearms.
Subpart L—Business machines, pens, mechanical pencils and lighters, and matches.
Subpart M—Special provisions applicable to manufacturers taxes.
Subpart N—Exemptions, registration, etc.
Subpart O—Refunds and other administrative provisions of special application to retailers and manufacturers taxes.

(c) *Arrangement and numbering.* Each section of the regulations in Subpart B through Subpart O is preceded by the section, subsection, or paragraph of the Internal Revenue Code which it interprets. The sections of the regulations can readily be distinguished from sections of the Code since:

(1) The sections of the regulations are printed in larger type;

(2) The sections of the regulations are preceded by a section symbol and the part number, arabic numeral 48 followed by a decimal point (§ 48.); and

(3) The sections of the Code are preceded by "Sec.".

Each section of the regulations setting forth law or regulations is designated by a number composed of the part number followed by a decimal point (48.) and the number of the corresponding provision of the Internal Revenue Code. In the case of a section setting forth regulations, this designation is followed by a hyphen (-) and a number identifying such section.

§ 48.0–2 General definitions and use of terms.

As used in the regulations in this part, unless otherwise expressly indicated:

(a) The terms defined in the provisions of law contained in the regulations in this part shall have the meanings so assigned to them.

(b) The Internal Revenue Code of 1954 means the Act approved August 16, 1954 (68A Stat.), entitled "An Act to revise the internal revenue laws of the United States", as amended.

(c) District director means district director of internal revenue.

(d) Calendar quarter means a period of 3 calendar months ending on March 31, June 30, September 30, or December 31.

§ 48.0–3 Scope of regulations.

The regulations in this part relate to the taxes imposed on the sale at retail, or the sale by the manufacturer, producer, or importer, of the articles referred to in Subparts B through L (see paragraph (b) of § 48.0–1) and, except where otherwise specifically provided, have application in respect of sales made on or after January 1, 1959. The provisions of the Internal Revenue Code set forth in the regulations in this part are, unless otherwise indicated, provisions of law in effect on January 1, 1959.

§ 48.0–4 Extent to which the regulations in this part supersede prior regulations.

The regulations in this part, with respect to the subject matter within the scope thereof, supersede the Manufacturers and Retailers Excise Tax Regulations contained in Part 40 of this chapter and, to the extent not superseded by the regulations contained in such Part 40, the following regulations and such regulations as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954 (19 F.R. 5167, Aug. 17, 1954):

Taxes on Gasoline, Lubricating Oil and Matches.	Regulations 44 (1944 Edition, as amended), 26 CFR (1939) Part 314.
Excise Taxes on Sales by the Manufacturer.	Regulations 46 (1940 Edition, as amended), 26 CFR (1939) Part 316.
Excise Tax on Sale of Pistols and Revolvers.	Regulations 47 (Revised October 1928, as amended), 26 CFR (1939) Part 302.
Retailers Excise Taxes	Regulations 51 (1941 Edition, as amended), 26 CFR (1939) Part 320.
Excise Tax on Diesel Fuel.	Regulations 119, 26 CFR (1939) Part 324.

Subparts B to G—[Reserved]

Subpart H—Motor Vehicles, Tires, Tubes, Tread Rubber, Gasoline, and Lubricating Oil

TIRES, TUBES, AND TREAD RUBBER

§ 48.4071 Statutory provisions; imposition of tax.

SECTION 4071. *Imposition of tax*—(a) *Imposition and rate of tax.* There is hereby imposed upon the following articles, if wholly or in part of rubber, sold by the manufacturer, producer, or importer, a tax at the following rates:

(1) Tires of the type used on highway vehicles, 8 cents a pound.

(2) Other tires, 5 cents a pound.

(3) Inner tubes for tires, 9 cents a pound.

(4) Tread rubber, 3 cents a pound.

(b) *Determination of weight.* For purposes of this section, weight shall be based on total weight, except that in the case of tires such total weight shall be exclusive of

metal rims or rim bases. Total weight of the articles shall be determined under regulations prescribed by the Secretary or his delegate.

(c) *Rate reduction.* On and after July 1, 1972:

(1) The tax imposed by paragraph (1) of subsection (a) shall be 5 cents a pound; and

(2) Paragraph (4) of subsection (a) shall not apply.

[Sec. 4071 as amended and in effect Jan. 1, 1959]

§ 48.4071–1 Imposition and rates of tax.

(a) *Imposition of tax.* Section 4071 imposes a tax upon the following articles sold by the manufacturer, producer, or importer thereof:

(1) Tires made wholly or in part of rubber,

(2) Inner tubes (for tires) made wholly or in part of rubber, and

(3) Tread rubber.

For definitions of the terms "tires", "inner tubes", "tread rubber", and "rubber", see § 48.4072–1.

(b) *Rates and computation of tax—*(1) *Rates of tax.* Tax is imposed upon each of the above mentioned taxable articles at the rate applicable on the date on which the article is sold, as specified below:

(i) *Tires:*

(*a*) Of the type used on highway vehicles:

(A) For the period January 1, 1959 to June 30, 1972, inclusive—8 cents per pound.

(B) On or after July 1, 1972—5 cents per pound.

(*b*) Of the type used on other than highway vehicles—5 cents per pound.

(ii) *Inner tubes*—9 cents per pound.

(iii) *Tread rubber:*

For the period January 1, 1959 to June 30, 1972, inclusive—3 cents per pound.

For definition of the term "tires of the type used on highway vehicles", see paragraph (c) of § 48.4072–1.

(2) *Computation of tax.* The tax on tires, inner tubes, and tread rubber is computed by applying to the total weight (including a fractional part of a pound) of the article the rate in effect at the time the article is sold. See § 48.4071–2, relating to determination of weight.

(c) *Liability for tax.* The tax imposed by section 4071 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4071–2 Determination of weight.

(a) *In general*—(1) *Tires.* (i) the metal rims or rim bases are not to be included in determining the total weight of a tire. However, the wire, staples, darts, clips, and other material or fastening devices which form a part of the tire or are required for its use must be included in determining the total weight of the tire. In the case of a tubeless tire, the total weight includes the weight of the air valve and stem or any other mechanism which may be used for inflating the tire or maintaining air pressure when sold by the tire manufacturer with the tubeless tire.

(ii) When tires are sold with metal rims or rim bases attached, the manufacturer must maintain records which will establish what portion of the total weight of the finished product represents the tire exclusive of the metal rim or rim base.

(2) *Inner tubes.* The total weight of an inner tube shall include the weight of the air valve and stem or any other mechanism attached to the inner tube which may be used for inflating the tube or maintaining air pressure.

(b) *Alternative method of determining weight of tires and inner tubes.* (1) A manufacturer who has received permission from the Commissioner may, subject to such conditions as the Commissioner may prescribe, determine total weight of tires and inner tubes manufactured and sold by him on the basis of the average weight for each type, size, grade, and classification shown in schedules published by the tire industry. The average weights shall be established in accordance with the method approved by the Commissioner and shall apply for such periods as the Commissioner may prescribe. The Commissioner may terminate the approval granted any manufacturer. In the case of the termination of the approval granted any manufacturer, the termination shall become effective 10 days from the date of the receipt by the manufacturer of the notice of termination. A manufacturer may effect termination, as of a specified date, of the privilege to determine total weight in accordance with provisions of this paragraph by giving no less than 10 days written notice of such intention to the Commissioner. The termination of the approval given a manufacturer shall not affect a manufacturer's tax liability for tires and inner tubes sold prior to the effective date of the notice of termination.

(2) An agreement authorizing a manufacturer, for purposes of the tax imposed by section 3400 of the Internal Revenue Code of 1939 or corresponding provisions of prior revenue laws, to determine total weight of tires and inner tubes on the basis of schedules of average weight continues in effect for purposes of the tax imposed by section 4071 and the regulations in this part unless and until terminated in accordance with the terms of such agreement or the provisions of this paragraph.

§ 48.4072 Statutory provisions; definitions; rubber; tread rubber; tires of the type used on highway vehicles.

SECTION 4072. *Definitions*—(a) *Rubber.* For purposes of this chapter, the term "rubber" includes synthetic and substitute rubber.

(b) *Tread rubber.* For purposes of this chapter, the term "tread rubber" means any material:

(1) Which is commonly or commercially known as tread rubber or camelback; or

(2) Which is a substitute for a material described in paragraph (1) and is of a type used in recapping or retreading tires.

(c) *Tires of the type used on highway vehicles.* For purposes of this part, the term "tires of the type used on highway vehicles" means tires of the type used on:

(1) Motor vehicles which are highway vehicles, or

(2) Vehicles of the type used in connection with motor vehicles which are highway vehicles.

[Sec. 4072 as amended and in effect Jan. 1, 1959]

§ 48.4072–1 Definitions.

For purposes of the regulations in this part, unless otherwise expressly indicated:

(a) *Rubber.* The term "rubber", for purposes of Chapter 32 of the Code, includes synthetic and substitute rubber.

(b) *Tread rubber.* The term "tread rubber", for purposes of Chapter 32 of the Code, means any material (1) which is commonly or commercially known as tread rubber or camelback, or (2) which is a substitute for any material commonly or commercially known as tread rubber or camelback and is of a type used in recapping or retreading tires. The term includes, for example, strips of material, wholly or partially of rubber, natural or synthetic, intended to be vulcanized or otherwise affixed to a tire casing to form the outside perimeter of the tire, smooth or treaded. It further includes treading material produced by reprocessing scrap, salvage, or junk rubber. Tread rubber loses its identity as such when it has been used in the recapping or retreading of a tire.

(c) *Tires of the type used on highway vehicles.* (1) The term "tires of the type used on highway vehicles", for purposes of §§ 48.4071 through 48.4073–3 includes (i) all tires of the type which are used on motor vehicles which are highway vehicles including but not limited to motor trucks, buses, passenger automobiles, highway tractors, trolley buses or coaches, and motorcycles, and (ii) all tires of the type which are used on vehicles of the type used in connection with highway motor vehicles including but not limited to truck or bus trailers and truck semitrailers. The term "tires of the type used on highway vehicles" does not include bicycle tires. Bicycle tires, however, are included in the term "other tires" as used in section 4071(a)(2).

(2) Mobile homes, house trailers, or utility trailers are vehicles of the type used in connection with highway motor vehicles. Thus, tires for mobile homes, house trailers, or utility trailers are included in the term "tires of the type used on highway vehicles".

(d) *Inner tubes.* The term "inner tubes" includes air containers of all types made wholly or in part of rubber and designed and manufactured for use in pneumatic tires.

(e) *Tires.* (1) The term "tires" includes rubber casings, hoops and strips or bands of all kinds designed and shaped or built to form the tread of or to fit a vehicle wheel. Tires of either the pneumatic or solid type which fit or form the tread for wheels of any article which is capable of use as a means of transporting a person or burden are taxable as tires. Examples of articles which have taxable tires are motor scooters, industrial trucks, farm tractors, wheelbarrows, and similar articles. See section 4073(a) and § 48.4073–1 with respect to the exemption of tires of certain sizes and section 4073(b) and § 48.4073–2 with respect to the exemption of tires with internal wire fastenings.

(2) The term "tires", for purposes of the tax imposed by section 4071, does not include a recapped or retreaded tire ex-

cept when the recapping or retreading is from bead to bead whether or not the original tire has lost its identity.

(f) *Cross references.* For other definitions, see §§ 48.0–2 and 48.7701.

§ 48.4073 Statutory provisions; exemptions.

SECTION 4073. *Exemptions*—(a) *Tires of certain sizes.* The tax imposed by section 4071 shall not apply to tires which are not more than 20 inches in diameter and not more than 1¾ inches in cross-section, if such tires are of all-rubber construction (whether hollow center or solid) without fabric or metal reinforcement.

(b) *Tires with internal wire fastening.* The tax imposed by section 4071 shall not apply to tires of extruded tiring with an internal wire fastening agent.

(c) *Exemption from tax on tread rubber in certain cases.* Under regulations prescribed by the Secretary or his delegate, the tax imposed by section 4071(a)(4) shall not apply to tread rubber sold by the manufacturer, producer, or importer, to any person for use by such person otherwise than in the recapping or retreading of tires of the type used on highway vehicles.

[Sec. 4073 as amended and in effect Jan. 1, 1959]

§ 48.4073–1 Exemption of tires of certain sizes.

The tax does not apply to sales of tires of all-rubber construction (whether hollow center or solid) if they have no fabric or metal reinforcement and do not exceed either of these measurements: (a) 20 inches in diameter measured to the outside circumference and (b) 1¾ inches in cross-section.

§ 48.4073–2 Exemption of tires with internal wire fastening.

The tax does not apply to sales of tires of any size or dimension manufactured or produced from extruded tiring fastened or held together by means of internal wire or other metallic material.

§ 48.4073–3 Exemption of tread rubber used for nonhighway tires.

(a) *Sold direct by manufacturer for nontaxable use.* The tax does not apply to the sale of tread rubber by the manufacturer to any person for use by such person otherwise than in the recapping or retreading of tires of the type used on highway vehicles. In determining whether tread rubber is sold for a taxable or nontaxable use, the type of vehicle on which the recapped or retreaded tire is to be used or the actual or intended use of the recapped or retreaded tire is immaterial. The controlling factor is whether the tire resulting from the recapping or retreading is a type which is not used on a highway vehicle. For definition of "tires of the type used on highway vehicles", see paragraph (c) of § 48.4072–1.

(b) *Sales for resale for nontaxable use.* No sale of tread rubber may be made tax free for resale even though it is known at the time of such sale that the tread rubber will be resold for use otherwise than in the recapping or retreading of tires of the type used on highway vehicles. However, where the tread rubber is resold for such use, the manufacturer, producer, or importer who paid the tax on his sale of the tread rubber may secure a refund or credit in accordance with the provisions of section 6416(b)(2)(L) (see the applicable regulations in Subpart O).

(c) *Evidence required to establish exemption.* (1) To establish the right to sell tread rubber tax free under section 4073(c), the manufacturer must obtain from the purchaser and retain in his possession a properly executed exemption certificate.

(2) Where only occasional sales of tread rubber for exempt use are made to a purchaser, a separate exemption certificate should be furnished for each order. However, where sales are regularly and frequently made to a purchaser for exempt use, a certificate covering all orders for a specified period not to exceed 4 calendar quarters will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be kept for inspection by the district director as provided in section 6001 and the regulations in Subpart O.

(d) *Acceptable form of exemption certificate.* The following form of exemption certificate will be acceptable for the purposes of this section and must be adhered to in substance:

EXEMPTION CERTIFICATE

(For use by persons who purchase tread rubber from the manufacturer, producer, or importer thereof for use otherwise than in recapping or retreading tires of the type used on highway vehicles (section 4073(c) of the Internal Revenue Code).)

----------, 19--
(Date)

The undersigned certifies that he himself, or the ----------
(Name of purchaser if other than the undersigned)
of which he is----------, is the
(Title)
purchaser of the tread rubber specified in the accompanying order or contract and that such tread rubber will not be used in the recapping or retreading of tires of the type used on highway vehicles, but will be used for the following purposes:

The undersigned understands that if the tread rubber is used for the recapping or retreading of tires of the type used on highway vehicles, or is sold or otherwise disposed of, such fact must be promptly reported to the manufacturer. The undersigned also understands that the fraudulent use of this certificate for the purpose of securing this exemption will subject him and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than 5 years, or both, together with costs of prosecution. The purchaser also understands that he must be prepared to establish by satisfactory evidence the purpose for which the tread rubber was used.

(Signature)

(Address)

(e) *Exemption certificate not obtained prior to filing of manufacturer's excise tax return.* If the sale is otherwise exempt but the exemption certificate is not obtained prior to the time the manufacturer files a return covering taxes due for the period during which the sale was made, the manufacturer must include the tax on such sale in his return for that period. However, if the certificate is later obtained, a claim for refund of the tax paid on such sale may be filed, or a credit for such amount may be taken upon a subsequent return, as provided by section 6416(b)(2)(L) and the regulations in Subpart O.

§ 48.4073–4 Other tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4071, see:

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules pertaining to further manufacture;

And the regulations thereunder contained in Subpart N.

Because this Treasury decision merely (1) sets forth the division and arrangement of regulations relating to the taxes imposed by chapters 31 and 32 of the Internal Revenue Code of 1954, as amended, and certain provisions of Subtitle F of such Code, and (2) incorporates in Part 48 of the Code of Federal Regulations, without substantial change, the portion of the regulations in Part 40 of the Code of Federal Regulations relating to tires, tubes, and tread rubber, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

Approved: August 13, 1959.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 59–6997; Filed, Aug. 21, 1959; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 49—PREPARATION OF A ROLL FOR THE DISTRIBUTION OF THE JUDGMENT AWARDED THE QUAPAW TRIBE

Applications, Appeals and Preparation of Roll

The Act of July 17, 1959 (73 Stat. 221), authorizes the Secretary of the Interior to prepare a roll of the Indians of the blood of the Quapaw Tribe for the distribution of the judgment funds awarded the tribe by the Indian Claims Commission. The purpose of these regulations is to govern the preparation of the roll.

The procedure for general notice of proposed rule making is being dispensed with because the time limit set forth in the act for filing enrollment applications

would be seriously curtailed, which is contrary to the public interest.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 18, 1959.

Sec.
49.1 Definitions.
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AUTHORITY: Sections 49.1 through 49.13 issued under the Act of July 17, 1959 (73 Stat. 221).

§ 49.1 Definitions.

(a) "Commissioner" means Commissioner of Indian Affairs.

(b) "Director" means Area Director, Muskogee Area Office.

(c) "Tribe" means the Quapaw Tribe of Oklahoma.

(d) "Membership Roll" means the membership roll of the Quapaw Tribe forwarded under date of January 4, 1890.

§ 49.2 Purpose.

The regulations in this part are to govern the compilation of a roll of persons of the blood of the Quapaw Tribe who were living on July 17, 1959, which roll shall be used for the distribution of the judgment awarded the Quapaw Tribe by the Indian Claims Commission on May 7, 1954, and accrued interest thereon.

§ 49.3 Eligibility for enrollment.

Each person of Quapaw blood whose name appears on the Quapaw membership roll forwarded under date of January 4, 1890, and whose membership in the Tribe was then based upon Quapaw blood rather than solely upon adoption who was living on July 17, 1959, and the descendants of such persons who were living on July 17, 1959, may, within six months after the date of the act (on or before January 17, 1960), submit an application for enrollment.

§ 49.4 Application forms.

Applications forms prescribed by the Secretary may be obtained from the Director, the Quapaw Area Field Office or from members of the Tribal Business Committee.

§ 49.5 Filing of applications.

Any adult person who desires to be enrolled to share in the judgment funds, and believes he meets the requirements for enrollment must, within six months from the date of the act (on or before January 17, 1960), file with the Area Director, Bureau of Indian Affairs, Federal Building, Muskogee, Oklahoma, a written application for enrollment. Written applications for minors, mentally incompetent persons, members of the Armed Forces stationed outside the Continental United States, or persons who have died since the date of the act, may be filed by the parent, recognized guardian, next of kin, next friend, spouse, executor or administrator of estate, or other person responsible for their care, within six months after the date of the act (on or before January 17, 1960). Each application shall contain, among other information:

(a) The name, address, and date of birth of the applicant, and if application is filed on behalf of a minor, mental incompetent, a member of the Armed Forces stationed outside of the Continental United States, or a person who has died since the date of the act, the name, address of person filing for such individual, and a statement as to his relationship to applicant.

(b) Whether name appears on membership roll.

(c) Name of applicant as it appears on membership roll, or name and relationship of applicant's ancestor on membership roll.

(d) Present address of ancestor, if living.

§ 49.6 Burden of proof.

The burden of proof rests upon the applicant to establish that he or she is of the blood of the tribe, that his or her name appears on the membership roll, or that he or she is a descendant of a person of the blood of the tribe whose name appears on the membership roll. Said proof may be partly established by documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings, affidavits, etc.

§ 49.7 Review of applications by Tribal Business Committee.

The Tribal Business Committee and other persons having a material interest therein shall have a period of three months from January 17, 1960, in which to review all applications for the purpose of lodging protests with the Director against any application.

§ 49.8 Action by the Director.

The Director shall consider each application and upon determination of the eligibility of the applicant, notify the applicant in writing of his decision. If such determination is favorable the name of the applicant shall be placed on the roll. If the Director's determination is adverse the applicant shall be notified of such decision in writing by registered mail, return receipt requested, together with a full explanation of the reasons therefor and of his right of appeal to the Secretary. If an individual files applications on behalf of more than one person one notice of eligibility or rejection may be addressed to the person who filed the applications. Said notice must list the name of each person involved.

§ 49.9 Appeals.

Appeals must be in writing, addressed to the Secretary and received by the Director within 30 days from the receipt of the rejection notice. The appellant may submit with his appeal any supporting evidence not previously furnished. When upon review of the evidence submitted by appellant, the Director is satisfied that he has established his right to enrollment, appellant shall be so notified and his name entered on the roll. If the Director determines appellant ineligible, he shall forward the appeal, together with the complete record and his recommendations thereon, to the Commissioner for transmittal to the Secretary.

§ 49.10 Action by the Secretary.

The decision of the Secretary on an appeal shall be final and conclusive and the appellant shall be given written notice of the decision. When so directed by the Secretary, the Director is authorized to enter on the roll the name of any person whose appeal has been sustained.

§ 49.11 Preparation and approval of roll.

Upon completion of action on all applications and upon notice from the Secretary that all appeals have been determined, the Director shall prepare a roll consisting of the names of those persons determined to be eligible to share in the Quapaw judgment funds. The roll shall contain for each person a roll number, application number, name, sex, date of birth, address, and in the remarks column the name and roll number of ancestors on the January 4, 1890, membership roll through whom enrollee has established his right to eligibility. The roll shall be submitted to the Secretary or his authorized representative for approval.

§ 49.12 Director's certificate.

The Director shall affix his certificate to the roll certifying that the roll to the best of his knowledge and belief contains only the names of those persons who were determined to meet the requirements for enrollment provided by law.

§ 49.13 Special instructions.

To facilitate the work of the Director the Commissioner may issue special instructions not inconsistent with the regulations in this part.

[F.R. Doc. 59-6987; Filed, Aug. 21, 1959; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 208—PUBLIC MONEYS AND OFFICIAL CHECKS OF UNITED STATES DISBURSING OFFICERS

Sections 208.2, 208.3, 208.4, and 208.5 are deleted from Part 208, Subchapter A, Chapter II, Subtitle B, Title 31 of the Code of Federal Regulations of the United States.

Dated: July 24, 1959.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 59-7005; Filed, Aug. 21, 1959; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 502—RELIEF ASSISTANCE

Disaster Relief

Sections 502.1 through 502.4 are revoked and the following substituted therefor:

§ 502.1 Purpose and applicability.

(a) Sections 501.1 to 502.6 prescribe policy guidance and responsibilities for Department of Army agencies with respect to operations involving participation in natural disaster relief activities. Although §§ 502.1 to 502.6 pertain primarily to military assistance rendered in the event of a major disaster as defined in § 502.3(b), they also provide guidance in situations wherein military assistance is rendered in an imminent emergency or other disaster not falling within the category of a major disaster.

(b) Sections 502.1 to 502.6 have particular application to the 48 contiguous States and the District of Columbia, but where not in conflict with public law or other proper authority, have equal application to Alaska, Hawaii, United States possessions, territories, or areas of associated sovereignty.

§ 502.2 Statutory and policy provisions.

(a) Public Law 875, 81st Congress (64 Stat. 1109), as amended (42 U.S.C. 1855–1855g), which authorizes Federal assistance to States and local governments in major disasters to alleviate damage and suffering. Federal agencies are thereby authorized when directed by the President of the United States, to provide assistance to States and local governments in accordance with the Act.

(b) Executive Order 10427, 16 January 1953. (18 F.R. 407.)

§ 502.3 Definitions.

For the purpose of §§ 502.1 to 502.6 the following definitions apply:

(a) *Natural disaster.* The term "natural disaster" includes all domestic emergencies except those created as a result of enemy attack or civil disturbance.

(b) *Major disaster.* The term major disaster refers to any disaster caused by flood, fire, explosion, earthquake, storm, hurricane, tornado, drought, or other catastrophe which is the result of a natural element, and which, in the determination of the President, is, or threatens to be, of sufficient severity and magnitude to warrant major disaster assistance by the Federal Government under the provisions of Public Law 875, 81st Congress, in order to supplement the efforts and available resources of State and local governments in alleviating the damage, hardship, or suffering caused thereby.

(c) *Imminent emergency.* Any emergency in which it would be dangerous to await instructions from higher authority, before taking necessary action, although such instructions will be requested through command channels by the most expeditious means of communication available.

(d) *Military support.* The term "military support" is synonymous with "military assistance" and includes any resources of personnel, materiel, and facilities available to the Department of Defense agencies and the military departments.

(e) *State.* Any State of the United States, and United States possessions, territories, or areas of associated sovereignty.

(f) *Local government.* Any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia.

(g) *Federal agency.* Any department, independent establishment, Government corporation, or other agency of the Executive Branch of the Government (except the American National Red Cross).

(h) *Office of Civil and Defense Mobilization (OCDM).* Federal agency coordinating disaster relief under delegated authority of the President.

(i) *Director (OCDM).* Director of the Office of Civil and Defense Mobilization.

(j) *Regional Director (OCDM).* Director of a geographical Regional Office of the Office of Civil and Defense Mobilization.

(k) *American National Red Cross (ANRC).* See § 502.4(a).

(l) *Federal assistance.* Assistance by Federal agencies which is supplementary to disaster relief and rehabilitation assistance afforded by State, local government, by private agencies, or by the American National Red Cross, and not in substitution therefor.

(m) *Local resources.* Local resources, as used in §§ 502.1 to 502.6, comprise all resources available to the respective State and local government authorities, augmented by those available to the American National Red Cross in the affected area.

§ 502.4 Responsibilities.

(a) *General.* Alleviation of disaster conditions is first of all the responsibility of the individual; of private industry; State and local government; and the American National Red Cross, as defined by Public Law 4 (Act of Jan. 5, 1905) (33 Stat. 599; 36 U.S.C. 1 et seq), as amended; of various Federal agencies in particular fields of operations defined by law; and finally of other Federal agencies. The provisions of the Act of September 30, 1950 (Public Law 875, 81st Cong.), authorize the President to prescribe such rules and regulations as may be necessary to carry out any of the provisions of the Act, and under certain conditions, to provide Federal assistance to the State and local governments in major disasters, and for other purposes. The Act further authorizes the President to exercise any power or authority conferred on him thereunder either directly or through such Federal agency as he delegates. A number of Federal agencies have certain legislative authorities for action in disaster relief work. The Act of September 30, 1950, does not limit such authority in any way; however, funds made available under the Act may not be utilized to defray expenses of such agencies operating under any other authority. Furthermore, the Act provides that "Nothing contained in this Act shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the Act approved January 5, 1905 (33 Stat. 599), as amended". By Executive Order 10773, July 1, 1958 (23 F.R. 5061), the President designated the Director, Office of Civil and Defense Mobilization, under Reorganization Plan No. 1, 1958, to exercise authority conferred upon the President by Sections 3 and 5(a) of the Act.

(b) *Office of Civil and Defense Mobilization.* The Director, Office of Civil and Defense Mobilization (OCDM) has been designated by the President to coordinate the activities of Federal agencies to provide disaster relief assistance in major disasters, and will call upon any Federal agency to utilize its available personnel, equipment, supplies, facilities, and other resources in accordance with the authority contained in the Act.

(1) Federal assistance under provisions of the Act of September 30, 1950 (Public Law 875, 81st Cong.), to State and local governmental agencies therein, will be made available only after the President has invoked the provisions of the Act for the specific disaster under consideration The provisions of the Act will be invoked only for major disasters with respect to which the Governor of the affected State (or the Board of Commissioners of the District of Columbia) has certified the need for Federal assistance and has given assurance of the expenditure of reasonable amounts of State or local funds for the same or similar purposes. The President may also reimburse any Federal agency for any of its expenditures in connection with a major disaster.

(2) When the facilities of another Federal agency are deemed necessary, directives will be issued and arrangements made at the seat of Government with the head of the agency concerned. When such action is approved, agreement will be made between the local administrative head of the Federal agency concerned and the Regional Director (OCDM) outlining the limitations within which such agency will act, and prescribing that in those cases where reimbursement for supplies, equipment, or services are required, the monetary limitation must be within the funds allotted for that purpose. It is contemplated that any Federal agency called upon will furnish adequate supervision of its own effort and the only (OCDM) inspection required will be of a coordinating nature.

(3) The Director (OCDM), may delegate any authority or function delegated or assigned him by the provisions of Executive Order 10773, July 1, 1958, to any other officer or officers of OCDM, or with the consent of the head, to any other Federal agency.

(4) The Act of September 30, 1950 (Public Law 875, 81st Cong.) is not intended to govern relief of enemy-caused disasters, since responsibilities for civil defense are assigned by the Federal Civil Defense Act of 1950 (64 Stat. 1245; 50 U.S.C. App. 2251–2297), as amended.

(c) *American National Red Cross (ANRC).* American National Red Cross (ANRC), with voluntary service and financing, is charged in accordance with its Charter, with continuing a system of national and international relief in mitigation of suffering caused by pestilence, famine, fire, floods, and other great national calamities, and for devising and effecting preventive measures.

(d) *Armed Forces of the United States.* Over a number of years, the Army among the military services has been employed most often by the President to render aid to the States and local governments in disasters and similar emergencies which have assumed such proportions as to be beyond the capabilities of such States and local authorities. However, the capabilities of the Navy and the Air Force have similarly been utilized in rendering disaster assistance and, in some instances, they are more appropriately organized and equipped for particular types of operations under certain specific emergencies. The Department of the Army has primary responsibility among the military services for provision of major disaster relief assistance, with the Navy and the Air Force having collateral responsibility. The Department of the Army is also charged with the responsibility for coordination of major disaster relief activities of the military services.

(1) Commanding General, United States Continental Army Command: (i) Responsibility for operations in disaster relief covering the 48 contiguous States and the District of Columbia, under the provisions of these regulations is delegated to the Commanding General, United States Continental Army Command. In cases of imminent necessity so dangerous as to preclude the receipt of timely instructions from higher authority, any commanding officer of troops will take such action as is necessary and as the circumstances of the case reasonably justify, to save human life, to prevent immediate human suffering, or mitigate great destruction or damage to the public property of the United States. Such action, without prior authorization, of necessity, should be prompt and vigorous, but should be designed for the protection of life and property until such time as instructions from higher authority have been received, rather than an assumption of functions normally performed by civilian authorities. The officer taking such action will promptly notify his immediate commander. If the officer taking such action is the commander of a class II installation or activity, a simultaneous report will be made to the ZI army commander concerned. Under the provisions of §§ 502.1 to 502.6, authority is delegated to ZI army commanders to act upon Red Cross requests even though the event is not of imminent necessity so dangerous as to preclude the receipt of timely instructions from higher authority.

(ii) Upon commitment of Army resources or the receipt of information that a disaster or imminent emergency exists which will probably require Army assistance, the Commanding General, United States Continental Army Command, will notify immediately the Deputy Chief of Staff for Military Operations, Department of the Army, Washington 25, D.C. It is essential that the maximum degree of coordinating effort, exchange of information, and a clear understanding of functional responsibilities be maintained between major commanders concerned and Regional Directors of both OCDM, and the American Red Cross.

(iii) The Commanding General, United States Continental Army Command, has full authority to approve or disapprove personal requests for aid which are received by Army agencies from a State Governor or a Member of Congress. This authority will not be delegated below ZI army commanders. Notification of such personal requests and action taken by the Commanding General, United States Continental Army Command, or ZI army commanders, will be furnished to the Deputy Chief of Staff for Military Operations, Department of the Army, Washington 25, D.C., without delay.

(iv) An adequate number of fully qualified public information personnel will be dispatched to the disaster scene as expeditiously as possible upon receipt of information that indicates Army assistance will be required or immediately following the decision to commit Army resources, whichever is more appropriate under existing circumstances. The Commanding General, United States Continental Army Command, will insure that each ZI army commander has a practical and effective public information plan available for implementation during a major disaster period.

(2) Corps of Engineers: (i) Under Public Law 99, 84th Congress, the Corps of Engineers has statutory authority as a civil function for Federal efforts incident to flood fighting, flood rescue work, and the repair or restoration of flood control works. Assistance in flood fighting and rescue work is supplementary to State and local government or private agency efforts, and not in substitution therefor. In accordance with appropriate instructions issued by the Chief of Engineers, the ZI army commanders concerned will be furnished pertinent information on dangerous floods or other natural disasters foreseen or occurring, including activities by the Corps of Engineers. The closest cooperation, including timely exchange of useful information between District and Division Engineers, appropriate ZI army commanders, Commanding General, United States Continental Army Command, Regional Directors of the Office of Civil and Defense Mobilization, American Red Cross, State and local governments, is necessary to mitigate the results of natural disasters. The emergency employment of Army resources in the relief of human suffering is the responsibility of the Commanding General, United States Continental Army Command. Preplanned procedures for domestic emergencies, coordinated between Division and District Engineers of the Corps of Engineers and ZI army commanders, will include provisions covering flood emergencies. Field officers of the Corps of Engineers are authorized to request ZI army commanders to provide such resources as are required and available for use in flood fighting under direction of the Corps' Division and District Engineers.

(ii) Regional Directors of the Office of Civil and Defense Mobilization may request a Division Engineer of the Corps of Engineers to aid State and local government agencies by furnishing disaster assistance which is beyond statutory authority of the Corps of Engineers. In such event, the Division Engineer contacted will notify the ZI army commander concerned, and obtain his concurrence before such assistance is furnished. The above concurrence is not required when there has been a determination that actual emergency conditions no longer exist, and when the responsible ZI army commander has withdrawn military support in accordance with § 502.5(e), or when responsibility has been yielded to the Army Chief of Engineers.

(3) Except as may be otherwise directed by Headquarters, Department of the Army, the provisions of §§ 502.1 to 502.6 will, so far as practicable, and depending upon local circumstances, apply to Army commanders in Alaska, Hawaii, United States possessions, territories, or areas of associated sovereignty, under the same operational concepts and authority as have been delegated herein to the Commanding General, United States Continental Army Command, and to those responsibilities to be assumed by ZI army commanders. However, in the case of unified and specified commands, Army assistance furnished, and reporting, will be in accordance with directives pertinent to disaster relief operations within such commands.

§ 502.5 Department of the Army policies.

(a) Extensive disaster relief operations will not be undertaken by the Department of the Army without authority provided in the Act of September 30, 1950 (Public Law 875, 81st Cong.) or by Direction of the President, unless:

(1) The overruling demands of humanity compel immediate action to prevent starvation, extreme suffering, and/or loss of life, in which event the Commanding General, United States Continental Army Command, will use personnel, supplies, and equipment under his control within his own discretion and will notify the Deputy Chief of Staff for Military Operations, Department of the Army, Washington 25, D.C., and Director, OCDM (giving the name of the OCDM Regional Director concerned), by the most expeditious electrical means available; and

(2) Local resources are clearly inadequate to cope with the situation, in which event the relief measures to be undertaken will be those deemed necessary by the Commanding General, United States Continental Army Command, subject to the provisions of §§ 502.1 to 502.6.

(b) When disaster relief work is undertaken in the continental States, the Commanding General, United States Continental Army Command, as desig-

nated by the Secretary of the Army, will assume control of all participation in the relief activities of the Active Army. Based upon guidance received through command channels, commanders of class II installations and activities will, upon request of the respective ZI army commanders, designate those resources under their control (personnel, materiel, facilities), which can be made immediately available to the ZI army commanders for support of natural disaster relief operations. When used in disaster relief missions, such resources will be under the control of the ZI army commanders. The control of all operations of field agencies under the heads of technical services (depots, procurement offices, etc.) including those resources which have not been made available to the ZI army commander for disaster support, will continue to be under the head of the technical service concerned. Request(s) for the use of resources which have not been declared available to the ZI army commander will be forwarded through command channels to the Deputy Chief of Staff for Military Operations, Department of the Army, and the Deputy Chief of Staff for Logistics, Department of the Army, respectively. In those cases where the commanders are unable to communicate with Headquarters, Department of the Army, and where in the opinion of the ZI army commander concerned, the extreme emergency warrants the temporary use of such resources, they will be made available to the ZI army commander; the ZI army commander will report this action through command channels to Headquarters, Department of the Army agencies mentioned above. During an imminent emergency or major disaster, the employment of Army personnel over and above those made available by commanders of class II installations and activities may be authorized by Headquarters, Department of the Army, on request of the Commanding General, United States Continental Army Command.

(c) When a major disaster area includes territory in more than one ZI army area, each ZI army commander will assume control of relief activities in his own Army area. If circumstances warrant, the Commanding General, United States Continental Army Command, may designate one officer to control all active Army relief activities in the affected area. Federal troops used in disaster relief activities will be under the command of, and directly responsible to, their military superiors.

(d) The Commanding General, United States Continental Army Command, and the ZI army commanders will effect the closest cooperation with the appropriate agencies concerned with disaster relief activities. The Commanding General, United States Continental Army Command, will establish liaison with Operational Headquarters, OCDM, located in Battle Creek, Mich. The ZI army commanders; Commanding General, United States Army, Alaska; Commanding General, United States Army, Pacific; and the Commanding General, United States Army, Caribbean, will establish liaison with Regional Directors of OCDM whose region encompasses areas with the Army command concerned, in order to facilitate exchange of information and to provide for immediate operating arrangements, should the need arise at a later time. The addresses of the field operational offices and the jurisdiction of Regional Directors, OCDM, are set forth in § 502.6(d)(1). Personnel, equipment and supplies, located in ZI army areas, other than the affected ZI army area, will be utilized to assist in disaster relief activities when the need is great and where a deficiency exists after consideration of all resources, including local resources in the disaster area, and where movement of these resources will not compromise an assigned tactical or defense mission. This assistance will be coordinated by the Commanding General, United States Continental Army Command, without reference to Headquarters, Department of the Army.

(e) Utilization of troops, civilian technicians, supplies and equipment, as set forth in these regulations is authorized only during the actual existence of the emergency. These regulations are not to be construed as authorizing assistance during the period of rehabilitation which normally follows a disaster. Troops, civilian Army personnel, supplies and equipment, will be withdrawn and the issue of supplies and equipment stopped at the earliest practicable moment.

§ 502.6 Actions required.

(a) *Red Cross.* (1) In most cases, Red Cross representatives will be on the scene of disaster either before military assistance is rendered or at some subsequent stage of operations. The Commanding General, United States Continental Army Command, ZI army commanders, and other major commanders should take advantage of every opportunity to utilize the experience, organization, and facilities of the Red Cross for providing disaster relief. Because of its nation-wide organization, the Red Cross is able to provide advice and recommend action to be taken when major commanders are confronted with natural disaster conditions.

(2) Requests for military assistance will be made directly to ZI army commanders by representatives of the American National Red Cross. Local Red Cross chapters requiring military assistance will channel their requests through the appropriate Red Cross Area Office. American National Red Cross representatives in the Area Office will recommend to the ZI army commander concerned, approval of only those requests that are determined to be over and above available local nonmilitary resources, including those of the Red Cross. However, by joint agreement between the Department of the Army and National Headquarters of the American Red Cross, approval of the Red Cross Area Office will be waived in the event that communications do not permit such action and when it is determined by Army officers in charge of disaster relief activities, that immediate assistance should be rendered upon a request of the local Red Cross chapter head. In case of the latter circumstance, Standard Form 1080 billing documents submitted for supplies and services furnished, will contain a statement signed by the Army officer concerned, giving the reasons for action taken, date, place, time, and the name of the local Red Cross chapter head.

(3) ZI army commanders concerned will refer to local Red Cross representatives requests for relief supplies, equipment, and services which are received direct from sources other than Red Cross for necessary action or appropriate recommendations. When a decision is required from higher authority, matters in question will be referred to the Commanding General, United States Continental Army Command, who will refer the matter direct to the National American Red Cross Headquarters.

(4) Whether or not the requests are received from, or are submitted through, the Red Cross, such supplies, equipment, and services, will be furnished only when, as decided by the Commanding General, United States Continental Army Command, the need therefor comes within the scope of the conditions under which relief operations may be undertaken by the Army, as set forth in §§ 502.1 to 502.6 and other pertinent instructions.

(5) Military supplies, equipment, and services furnished to the Red Cross, or to another agency in compliance with direct request made by the Red Cross, will be receipted for by accredited representatives of the Red Cross. Such receipts will:

(i) Be accepted as evidence that the supplies, equipment, and/or services are needed by the Red Cross, or by the agency that requests them, for disaster relief purposes.

(ii) Be accepted as evidence that every reasonable care will be exercised to restrict their use for disaster relief purposes only, and

(iii) Constitute acceptance of responsibility by the Red Cross for the return of nonexpendable supplies and equipment to the issuing agency as soon as the disaster emergency need therefor has ended.

(6) In addition to the materiel and services that the Department of the Army may furnish under the above mentioned conditions, the Red Cross may, for reasons of economy and efficiency, desire to purchase from the Department of the Army, certain supplies and services, such as food, medicine, lumber, gas, oil, and transportation. If the desired supplies and services are available and if the circumstances warrant, the Department of the Army may, by specific agreement, authorize such sales upon approval of the Secretary of the Army. In addition, the Red Cross will assume responsibility for and pay the packing, crating, and transportation costs, of all Army supplies shipped at the request of the Red Cross, or items being returned to Army stocks by commercial carrier if transportation by Government vehicle is not feasible.

(7) Red Cross representatives will, upon request, furnish detailed information concerning the extent of destruction and the needs in affected areas and may recommend emergency assistance to

local government agencies in disaster situations that are governmental responsibilities and that do not come within the scope of Red Cross activities. In these cases, the Red Cross will not be held responsible for expenses incurred, nor required to receipt for items which are furnished upon Red Cross recommendation. ZI army commanders will exercise the necessary precautions in maintaining property accountability for items furnished to responsible local government authorities for insuring their safe return.

(b) *Major disasters.* The Act of September 30, 1950 (Public Law 875, 81st Cong.), as amended, in no way precludes Department of the Army action, when required, in emergencies, pending determination by the President that a disaster is a major disaster under the terms of the Law. Department of the Army action to afford assistance subsequent to such finding, will be in accordance with §§ 502.1 to 502.6. Upon Presidential Proclamation of a major disaster, Department of the Army assistance will be subject to coordination by OCDM, acting on behalf of the President. In the event that requests from OCDM would involve commitment of Army controlled resources required to perform assigned tactical or defense missions, or other resources which are not under the jurisdiction of the Commanding General, United States Continental Army Command, such requests will be sent by the Commanding General, United States Continental Army Command to the Deputy Chief of Staff for Military Operations, Department of the Army, Washington 25, D.C., stating the need thereof and whether the necessary resources should be made available.

[AR 500-60, 10 July 1959] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-6976; Filed, Aug. 21, 1959; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter I—Federal Procurement Regulations

PART 1-3—PROCUREMENT BY NEGOTIATION

Subpart 1-3.6—Small Purchases

IMPREST FUNDS (PETTY CASH) METHOD

Section 1-3.604 is revised to read as follows:

Sec.
1-3.604 Imprest funds (petty cash) method.
1-3.604-1 General.
1-3.604-2 Definition of imprest fund.
1-3.604-3 Agency responsibilities.
1-3.604-4 Use of imprest funds.
1-3.604-5 Limitations.
1-3.604-6 Procurement and payments.
1-3.604-7 Tax exemption certificates.

AUTHORITY: §§ 1-3.604 to 1-3.604-7 issued under sec. 205, 63 Stat. 390; 40 U.S.C. 486.

§ 1-3.604 Imprest funds (petty cash) method.

§ 1-3.604-1 General.

Section 1-3.604 prescribes policies and procedures for making small purchases of supplies and nonpersonal services through the use of imprest funds. Related policies and regulations concerning bonding requirements and the establishment of, and accounting for, imprest funds are contained in Treasury Department Circular Nos. 1030 an 969, and GAO Manual 7 GAO 2700 and 5120.

§ 1-3.604-2 Definition of imprest fund.

The term "imprest fund" means a fixed cash or petty cash fund in the form of currency, coin, or Government check which has been advanced by an official Government disbursing office, without charge to a Government appropriation or fund account, to a duly authorized cashier for cash payment or other cash requirement purposes as specified in his designation or authorization. The fund may be of a revolving type, replenished to a fixed amount as spent or used, or of a stationary nature such as a change making fund.

§ 1-3.604-3 Agency responsibilities.

Each agency using imprest funds for small cash purchases of supplies or nonpersonal services shall have the responsibility of periodically reviewing and determining whether there is continuing need for each fund established, and that amounts of such funds are not in excess of actual needs. Agencies should take prompt action to have imprest funds adjusted to a level commensurate with demonstrated needs whenever circumstances warrant such action. In this connection, each agency shall:

(a) Study agency practices to insure that full advantage is taken of all small purchase processes; and

(b) Develop and issue appropriate implementing regulations.

§ 1-3.604-4 Use of imprest funds.

(a) The cash payment processes described in this section should be used for making small purchases whenever advantageous to the Government. Cash purchases will generally be advantageous in the following circumstances:

(1) When vendors are reluctant to honor small purchase orders.

(2) When vendors are not equipped to bill agencies for purchases in accordance with normal business practices.

(3) When supplies or nonpersonal services are needed at locations not served by purchase offices or when the established sources of issue are not conveniently accessible to point of use.

(4) When provisions for local credit arrangements and monthly billings by vendors are impracticable.

(b) The following are typical procurements for which the use of imprest funds would be suitable:

(1) Emergency, fill-in, occasional, or special purchases of supplies or services.

(2) Repair of equipment.

(3) Perishable subsistence.

(4) Public utility bills where location of the activity is so situated as to make cash payment more efficient.

(5) Postage stamps, parcel post, COD, postal charges, local drayage, transportation tokens or passes (including cash fares), and taxi fares.

(6) Expenses incident to travel and emergency travel advances (as specified in Treasury Department Circular No. 1030).

§ 1-3.604-5 Limitations.

(a) Procurement of supplies or nonpersonal services from one vendor at any one time, using simplified imprest fund procedures, may not exceed $50. Exceptions or additions needed in connection with procurement matters described in § 1-3.604-4, as well as the maximum dollar limitation for any one procurement transaction, should be addressed to the Treasury Department (pursuant to Treasury Department Circular No. 1030). The granting of any such exceptions or additions will be coordinated with the Administrator of General Services or his designee. Approved exceptions now existing will automatically be continued without specific request from the agency to which exceptions have been granted.

(b) Supplies or services subject to restrictions under any provision of law or regulation may not be purchased through use of imprest funds except under conditions which fully comply with such statutory and regulatory restrictions.

§ 1-3.604-6 Procurement and payment.

(a) Small purchases utilizing imprest funds may be made only by authorized employees.

(b) When payment for small purchases is made from imprest funds, no purchase order need be issued unless it is advantageous to the Government, for example, when required by the vendor to grant Government discounts. When so required, any authorized purchase order form may be used and will be endorsed "payment to be made in cash."

(c) Receipts must be secured for each payment from imprest funds (pursuant to the provisions of GAO Manual 7 GAO 5120).

(d) The cashier may either reimburse employees for amounts paid by them for authorized purchases or furnish the cash necessary to comsummate such purchases. Purchases for which cash has been furnished in advance should be confirmed within five work days from the date of advance.

§ 1-3.604-7 Tax exemption certificates.

Since purchases made through the use of imprest funds are of relatively small value, Government tax exemption certificates (Standard Form 1094—Revised) generally shall not be used in connection with purchases made under the authority of this section.

Effective date. This revision is effective September 1, 1959.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: August 18, 1959.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59-7008; Filed, Aug. 21, 1959; 8:50 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 107—CHIGNIK AREA

Reduction of Closed Period

Basis and purpose. Since the red salmon run in the Chignik Bay district is virtually over, and only 13 fishing boats are presently active there, it has been determined that the extensions to the weekly closed period can be materially reduced to permit utilization of the chum and coho salmon runs.

Therefore, effective August 23, § 107.9 is amended in paragraph (b) to read as follows: "From 6 p.m. Friday to 6 a.m. Monday."

Since immediate action is necessary, notice and public procedure on this relaxation in existing regulations is not in the public interest, and it shall become effective on the date specified above, after filing at the Federal Register (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: August 21, 1959.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-7068; Filed, Aug. 21, 1959; 11:34 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1947]

COLORADO

Withdrawing Public Lands for Use of the Forest Service as an Administrative Site in Connection With the Administration of the Arapaho National Forest; Revoking Executive Order No. 7386 of June 8, 1936

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604), as amended, and reserved for use of the Forest Service, Department of Agriculture, for an administrative site in connection with the administration of the Arapaho National Forest:

[Colorado 028040]

SIXTH PRINCIPAL MERIDIAN

T. 1 S., R. 78 W.,
Sec. 34, SE¼SW¼.

The area described contains 40 acres.

2. Executive Order No. 7386 of June 8, 1936, which withdrew the following-described land for use of the Forest Service as an administrative site in connection with the administration of the Arapaho National Forest, is hereby revoked:

[Colorado 028039]

SIXTH PRINCIPAL MERIDIAN

T. 1 S., R. 78 W.,
Sec. 34, NE¼SW¼.

The area described contains 40 acres.

3. The lands described in paragraph 2 are withdrawn for power purposes in Power Site Reserve No. 133 by Executive order of July 2, 1910. They have been open to applications and offers under the mineral leasing laws, and since the act of August 11, 1955 (69 Stat. 683; 30 U.S.C. 621), they have been open to locations under the United States mining laws.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 18, 1959.

[F.R. Doc. 59-6988; Filed, Aug. 21, 1959; 8:47 a.m.]

[Public Land Order 1948]

[76085]
[1539695]
[1548330]

WASHINGTON

Partially Revoking Reclamation Withdrawals of December 22, 1905, Yakima Project, March 22, 1934, and May 11, 1934, Columbia Basin Project

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of December 22, 1905, March 22, 1934, and May 11, 1934, which withdrew lands for reclamation purposes in the first form in connection with the Yakima and Columbia Basin Projects, Washington, are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

Order of December 22, 1905:

T. 8 N., R. 29 E.,
Sec. 6, lots 1, 2 and 3.

Order of March 22, 1934:

T. 35 N., R. 37 E.,
Sec. 27, W½SW¼;
Sec. 28, SE¼SE¼;
Sec. 33, NE¼NE¼ and SW¼NE¼.
T. 37 N., R. 37 E.,
Sec. 1, W½SW¼.

Order of May 11, 1934:

T. 24 N., R. 27 E.,
Sec. 1, W½SW¼;
Sec. 11, N½N½.

The areas described aggregate 591.07 acres.

2. Lots 1, 2 and 3, shall not be subject to any form of disposition under the public land laws unless and until a further order is issued by an authorized officer of the Bureau of Land Management.

3. Beginning at 10:00 a.m. on September 23, 1959, the lands, excepting those described in paragraph 2, hereof, shall be open to application, petition, location, and selection under applicable nonmineral public lands laws, subject to valid existing rights, the requirements of applicable law, the six-months preference right to apply to select, granted to States by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the 91-day preference right filing period for veterans of World War II, the Korean Conflict, and others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended.

4. The restored lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on March 25, 1960. Locations made prior thereto shall be invalid.

5. Inquires concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 18, 1959.

[F.R. Doc. 59-6989; Filed, Aug. 21, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Part 15]

MATTER MAILABLE UNDER SPECIAL RULES

Concealable Firearms

Section 1715 of Title 18, United States Code, declares pistols, revolvers, and other firearms capable of being concealed on the person, to be nonmailable, with exceptions in favor of bona fide dealers in firearms, manufacturers, officers of the Armed Forces, and other persons. The law gives authority to the Postmaster General to prescribe regulations governing permissible shipments of firearms. The Departmental regulations are contained in § 15.5 of Title 39, Code of Federal Regulations.

In the FEDERAL REGISTER of September 23, 1958 (23 F.R. 186, 7385), publication was made of a proposed amendment of § 15.5 of Title 39, to bring within the

scope of the regulations certain interpretive rulings which had been made by the Department applying to gas, air, and spring-action pistols. Comments were received from various manufacturers of such pistols, and other interested parties. Upon consideration of these comments it is now proposed to substitute revised regulations for the one set out in the FEDERAL REGISTER of September 23, 1958, and to further amend the regulations to provide a specific exemption for toy pistols.

The proposed amendments relate to a proprietary function of the Government. They are also in the nature of an interpretive ruling. Accordingly, these amendments are exempted from the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 1003). However, the Postmaster General desires voluntarily to give postal patrons an opportunity to present their written views concerning the proposed regulations. Therefore, the final regulations to be adopted by the Department will be considered in the light of the views which may be received.

Comments may be submitted to Richard S. Farr, Assistant General Counsel, Room 4213, Post Office Department, Washington 25, D.C., at any time prior to September 25, 1959.

The proposed amendments are as follows:

Amend § 15.5 *Concealable firearms* by including a reference in paragraph (g) to toy pistols, and by the addition of a new paragraph (h) to read as follows below:

(g) *Antique firearms; toy pistols.* Antique or unserviceable pistols and revolvers sent as curios or museum pieces, or toy pistols, may be accepted for mailing without regard to the provisions of paragraphs (a) through (d) of this section.

(h) *Gas, air, spring-action pistols.* (1) Parcels containing unloaded handguns not operated by exploded gunpowder, such as gas, air, or spring-action pistols, may be accepted for mailing in accordance with the provisions of paragraphs (a), (b) and (d) of this section, when plainly marked or labeled, in bold block letters, with the word "Handgun" and indicating the class of persons to which the addressee belongs.

(2) Such handguns in need of repair may be mailed, when unloaded, by the owner direct to a bona fide manufacturer or service agency when the parcel is marked, in bold block letters, "Handgun for Repair". The handgun may be accepted for mailing back to the owner by the manufacturer or service agency if the parcel is marked "Handgun Repaired", and delivery may be made to the addressee-owner upon his presentation of a receipt obtained from the manufacturer or service agency when the handgun was submitted for repair, such receipt to confirm the owner's name and address, date of submission, and contents of parcel.

NOTE: The corresponding Postal Manual section is 125.5.

(R.S. 161, as amended, 396, as amended, sec. 1, 62 Stat. 781, as amended; 5 U.S.C. 22, 369, 18 U.S.C. 1715)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-7029; Filed, Aug. 21, 1959; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

MEDICINE LAKE NATIONAL WILDLIFE REFUGE, MONTANA

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise §§ 31.238 and 31.239 and to revoke §§ 31.240, 31.241, and 31.242 of Subpart—Medicine Lake National Wildlife Refuge, Montana, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to make more inclusive the waterfowl hunting regulations and to permit the annual hunting of deer on the Medicine Lake National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revisions or revocations to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 18, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 31.238 Hunting of migratory waterfowl and coots permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of migratory waterfowl and coots is permitted on the hereinafter described lands of the Medicine Lake National Wildlife Refuge, Montana, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting of waterfowl and coots:

N½, SW¼, N½SE¼, and SW¼SE¼ Sec. 4; all north and east of County Road in Sec. 5, T. 31 N., R. 57 E., and W½ Sec. 27; all Sec. 28; all south and east of County Road in Sec. 32; all Sec. 33; and NW¼ Sec. 34, T. 32 N., R. 57 E.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(d) *Boats.* Subject to the requirements of Part 6 of this chapter, the use of boats without motors is permitted for the purpose of hunting.

(e) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for these purposes. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

§ 31.239 Hunting of deer permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer hunting is permitted on the hereinafter described lands of the Medicine Lake National Wildlife Refuge, Montana, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Dogs.* The use of dogs for hunting deer on the refuge is prohibited.

(c) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(d) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for these purposes.

(e) *Hunting area.* The following described area is open to hunting during the prescribed State season:

Within T. 31 N., R. 57 E., P.M. All of Sections 17, 19, and 20 and all of that portion of Section 18 lying southwest of the County Road.

§ 31.240 [Revocation]

§ 31.241 [Revocation]

§ 31.242 [Revocation]

[F.R. Doc. 59-6986; Filed, Aug. 21, 1959; 8:46 a.m.]

[50 CFR Part 35]

MISSISQUOI NATIONAL WILDLIFE REFUGE, VERMONT

Hunting Area

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise paragraph (a) of § 35.51 of Subpart—Missisquoi National Wildlife Refuge, Vermont, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to delineate a more satisfactory boundary of the public hunting areas on the Missisquoi National Wildlife Refuge without otherwise modifying the public hunting privileges that are available.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 18, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

§ 35.51 Hunting of migratory game birds permitted.

* * * * *

(a) *Hunting area.* The following described area is open to hunting: All of the lands, marshes, and waters of the Missisquoi National Wildlife Refuge lying northerly of a line from the main channel of the Missisquoi River to Martindale Point following the Martindale Point Refuge road and its projection to Martindale Point as posted. Area includes entire neck and Shad Island.

* * * * *

[F.R. Doc. 59-6984; Filed, Aug. 21, 1959; 8:46 a.m.]

[50 CFR Part 35]

PARKER RIVER NATIONAL WILDLIFE REFUGE, MASSACHUSETTS

Hunting of Deer Permitted

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to amend § 35.31 of Subpart—Parker River National Wildlife Refuge, Massachusetts, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to permit deer hunting during a part of the 1959 State season on certain lands of the Parker River National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 18, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 35.31 Hunting of deer permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, the hunting of deer of either sex by means of bow and arrow only is permitted on November 21, 23, and 24, 1959, only on the hereinafter described lands of the Parker River National Wildlife Refuge, Massachusetts, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* All of the Plum Island portion of the refuge lying between the ocean beach and the east bank of Plum Island River and Plum Island Sound with the exception of posted area lying between the Plum Island Road and Plum Island Sound, comprising the two impoundment areas and the patrol headquarters site.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Hunting methods.* Hunting is permitted by bow and arrow only; all equipment must comply with the standards required by State law. The possession or use of firearms on the refuge is prohibited. Dogs are not permitted on the refuge for use in the hunting of deer.

(d) *Checking stations.* A checking station will be established and publicized locally by the Refuge Manager. Hunters, upon entering the hunting area, shall report at the checking station to qualify and obtain a permit; hunters upon leaving the hunting area, shall exhibit any deer killed and report at the checking station information that may be requested.

[F.R. Doc. 59-6985; Filed, Aug. 21, 1959; 8:46 a.m.]

National Park Service

[36 CFR Part 20]

YELLOWSTONE NATIONAL PARK

Weight and Size Limits for Vehicles

Basis and purpose. Notice is hereby given that pursuant to section 4(a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U.S.C., 1952 ed., sec. 1003); authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed., sec. 3); National Park Service Order No. 14 (19 F.R. 8824); and Regional Director, Region Two, Order No. 3 (21 F.R. 1494), it is proposed to amend 36 CFR 20.13 as set forth below. The purposes of this amendment are to establish special weight limits on Chittenden Bridge and on the road between Norris and Canyon Junctions, and to amend the general weight limit of vehicles using roads in Yellowstone National Park, Wyoming.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C., 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Yellowstone National Park, Wyoming, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

LEMUEL A. GARRISON,
Superintendent, Yellowstone National Park.

JULY 6, 1959.

1. Paragraph (a) is amended to read as follows:

(a) *Weight and size limits for vehicles.* (1) The total gross weight of any vehicle and load or combination of vehicles and loads shall not exceed the following prescribed limits:

(i) The Chittenden Bridge across the Yellowstone River on the Artist Point Access Road, 5 tons.

(ii) The bridge across the Yellowstone River near Tower Junction on the Northeast Entrance Road, 10 tons.

(iii) The road between Norris Junction and Canyon Junction, 20 tons.

(2) No vehicle and load shall have a gross weight in excess of 450 pounds per inch width of tire, or carry more than 18,000 pounds on any one axle, and no vehicle whatsoever having a total gross weight of vehicle and load or combination of vehicles and loads in excess of 76,800 pounds shall be operated or moved upon any Park road.

(i) *Provided,* The Superintendent may prescribe reduced limits as to weight thereof, on designated highways as posted, whenever said highways may be damaged or destroyed by the above load limits because of deterioration, rain, snow, frost, and other climatic conditions.

(3) The gross weight of any group of axles of any vehicle or combination of vehicles, when the distance between the first and last axles of any group of axles is eighteen (18) feet or less, and the gross weight of any vehicle when the distance between the first and last axle of all the axles of the vehicles is eighteen (18) feet or less, shall not exceed that set forth in the following table of weights:

Distance in feet between the first and last axles of any group of axles of any vehicle or combination of vehicles or between the first and last axles of all of the axles of any vehicle	*Maximum gross weight, in pounds, of any group of axles of any vehicle or combination of vehicles, or of any vehicle*
4	32,000
5	32,000
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

(4) The gross weight of any vehicle or combination of vehicles, where the distance between the first and last axles of the vehicles or combination of vehicles is more than eighteen (18) feet, shall not exceed that set forth in the following table of weights:

Distance in feet between the first and last axles of all of the axles of a vehicle or combination of vehicles	*Maximum gross weight, in pounds, of any vehicle or combination of vehicles*
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	68,000
40	70,000
41	72,000
42	73,280
43	73,280
44	73,280
45	73,280
46	73,280
47	73,280
48	73,280
49	73,280
50	73,280
51	73,280
52	73,600
53	74,400
54	75,200
55	76,000
56	76,400
57	76,800

(5) No vehicle shall be operated or moved upon any Park road when the total outside width and length, including the load thereon, exceeds 8 feet in width and 35 feet in length for a single vehicle, or 60 feet in length for a combination of vehicles, or when the total height of a vehicle, including the load thereon, exceeds 13 feet 6 inches, except on that portion of U.S. Highway 191 lying within the boundary of the Park on which highway the size limits shall be as follows:

(i) Busses shall be no more than 102 inches in width. Other vehicles shall be no more than 96 inches in width. No vehicle, including load, shall be more than 13 feet 6 inches in height. Busses shall not be more than 40 feet in length. Single trucks shall not be more than 35 feet in length. Combinations of vehicles shall be no more than 60 feet in length.

(6) Provided, that in special case of individual movements, where the size or weight of such vehicles, including loads, exceed those herein prescribed, may be operated under special permit granted by the Superintendent, under such conditions as to time, route, equipment, speed, and otherwise as he may determine.

[F.R. Doc. 59-6990; Filed, Aug. 21, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 990, 996, 999, 1019]

[Docket Nos. AO-14-A30; AO-302-A2; AO-203-A-12; AO-204-A11; AO-305-A1]

MILK IN GREATER BOSTON, MASS., SOUTHEASTERN NEW ENGLAND, SPRINGFIELD, MASS., WORCESTER, MASS., AND CONNECTICUT MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Courtroom No. 4, Federal Building, Post Office Square, Boston, Massachusetts, beginning at 10:00 a.m., e.d.t., on September 9, 1959; in the Empire Room, Crown Hotel, 208 Weybosset Street, Providence, Rhode Island, beginning at 10:00 a.m., e.d.t., on September 21, 1959; in the Lobby Ballroom, Hotel Bond, Asylum Street, Hartford, Connecticut, beginning at 10:00 a.m., e.d.t., on September 28, 1959; and at the Aurora Hotel, 654 Main Street, Worcester, Massachusetts, beginning at 10:00 a.m., e.d.t., on October 5, 1959; with respect to proposed amendments to the tentative marketing agreement and to the orders, regulating the handling of milk in the Greater Boston, Massachusetts, Southeastern New England, Springfield, Massachusetts, Worcester, Massachusetts, and Connecticut marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposals relative to a redefinition of the respective marketing areas raises the issue whether the provisions of the present orders would tend to effectuate the declared policy of the Act, if they are applied to the marketing areas as proposed to be redefined and, if not, what modifications of the provisions of the orders would be appropriate.

The proposed amendments set forth below, have not received the approval of the Secretary of Agriculture.

All New England Orders:

Proposed by nineteen New England cooperative associations:

Proposal No. 1. Amend the definition of "exempt milk" in each of the New England orders to restrict its application to emergency conditions.

Proposal No. 2. Provide that a city distributing plant which meets the requirements for pooling under two or more different orders shall be regulated in the market in which it disposes of the larger amount of Class I milk to consumers.

Proposal No. 3. Review the basis and need for payments on outside milk under all New England orders.

Proposal No. 4. Amend the provision for adjustment of overdue accounts in all New England orders to cause the interest charge to run from the date specified for clearance of the producer-settlement fund.

Proposed by Northern Farms Cooperative, Inc., and Maine Dairymen's Association, Inc.:

Proposal No. 5. Re-examine under all New England orders the percentage shipping requirements for pooling country plants and the length of the qualifying period.

Proposal No. 6. Re-examine the level of the Class II price at city plants and the related zone price differentials under all New England orders.

Proposal No. 7. Limit the percentage of the total value of milk pooled which can be deducted for farm location differentials under all New England orders.

Proposed by the Connecticut Milk Consumers Association, Inc.:

Proposal No. 8. Delete the farm location differential as set forth in § 904.64 of the Boston order, § 990.63 of the Southeastern New England order, § 996.64 of the Springfield order, § 999.64 of the Worcester order, and § 1019.63 of the Connecticut order.

Proposed by the Dairy Division:

Proposal No. 10. Delete obsolete provisions in all New England orders such as references to the Merrimack Valley order and the conditions for pool plant qualification during the period through June 1959 under the Southeastern order.

Greater Boston, Springfield and Worcester orders:

Proposed by nineteen New England cooperative associations:

Proposal No. 11. Amend the producer-handler definition in §§ 904.2(i), 996.2(i), and 999.2(i) of the Greater Boston, Springfield and Worcester orders, respectively, to limit its application to a person (1) whose own farm production does not exceed 1,075 pounds on a daily average during the month and whose only source of supply for fluid milk products is milk of his own farm production and packaged fluid milk products from pool plants, or (2) whose sole source of supply for fluid milk products is milk of his own farm production.

Proposed by the New England Milk Producers' Association; Northern Farms Cooperative, Inc., and Maine Dairymen's Association, Inc.:

Proposal No. 12. Amend the schedule of payment dates under the Greater Boston, Springfield, and Worcester orders to move up by 5 days the dates for payments to producers, for payment of marketing service deductions, and of administrative expense.

Proposed by The Dairy Division:

Proposal No. 13. Amend §§ 904.2(d)(1), 996.2(d)(1), and 999.2(d)(1), so that they will conform with §§ 904.2(d)(2), 996.2(d)(2), and 999.2(d)(2), by deleting the semicolon (;) at the end of the subparagraphs, and add the following: ", except that the term shall not apply to any dairy farmer with respect to milk which is considered as re-

ceipts from a producer under the provisions of another Federal order;"

Greater Boston, Connecticut and Southeastern New England orders:

Proposed by H. P. Hood and Sons, Inc.:

Proposal No. 15. Amend the Greater Boston, Connecticut and Southeastern New England orders to provide for compensatory payments on receipts of Class I milk from plants regulated under another Federal order, generally as provided for in § 996.66 of the Springfield order and § 999.66 of the Worcester order.

Springfield and Worcester orders:

Proposed by H. P. Hood and Sons, Inc.:

Proposal No. 16. Revise §§ 996.65 and 999.65 of the Springfield and Worcester orders to conform with the terms of § 904.65 of the Boston order relative to the same provision.

Southeastern New England, Springfield, and Worcester orders:

Proposed by The Dairy Division:

Proposal No. 17. Amend §§ 990.69, 996.70 and 999.70 of the Southeastern New England, Springfield and Worcester orders, respectively, to provide that the Secretary, in lieu of the market administrator, be the person responsible for determination of the rate of marketing service deduction from nonmembers of an association of producers.

Greater Boston and/or Southeastern New England order:

Proposed by nineteen New England cooperative associations:

Proposal No. 18. Revise the marketing areas of the Greater Boston and/or Southeastern New England orders, respectively, to include all of the towns in Norfolk County, Massachusetts, not presently a part of the Greater Boston marketing area.

Proposed by Local Dairymen's Cooperative Association, Inc.

Proposal No. 19. Revise the classification and assignment provisions of the Greater Boston and Southeastern New England orders to provide that the Southeastern pool receive credit for Class I disposition into the marketing area from a plant regulated under the Greater Boston order up to the quantity of Southeastern New England producer milk moved to such Boston order plant.

Greater Boston order:

Proposed by nineteen New England cooperative associations:

Proposal No. 21. Revise the definition of marketing area as it appears in § 904.1(b) of the Greater Boston order to add the towns of Burlington, Lynnfield, North Reading, and Wilmington, Massachusetts.

Proposal No. 22. Revise the definition of marketing area as it appears in § 904.1(b) of the Greater Boston order to add the towns of Ayer and Littleton, Massachusetts, including the military establishment of Fort Devens.

Proposal No. 23. Revise the definition of marketing area as it appears in § 904.1(b) of the Greater Boston order to add the towns of Hingham and Hull, Massachusetts.

Proposal No. 24. Revise the definition of marketing area as it appears in § 904.1(b) of the Greater Boston order to add the cities and towns of Ashland, Holliston, Hopkinton, Marlboro, Milford, Sherborn, and Southboro, Massachusetts.

Proposed by Elmhaven Dairy, Inc., and Lowell Dairy, Inc.:

Proposal No. 25. Add to the marketing area of the Greater Boston order the towns of Dunstable and Pepperell, Massachusetts.

Proposed by the Fall River Milk Producers' Association, Inc.:

Proposal No. 26. Amend § 904.20(c) of the Greater Boston order (basic requirements for pool plant status) by adding after the word "plant" the following: "during each month of the year and during each of the months of August through October at least 30 percent of the milk received at the plant from producers shall be disposed of as Class I milk in the marketing area."

Proposal No. 27. Amend §§ 904.20(d) and 904.21(c) of the Greater Boston order to increase minimum Class I shipping requirements from 10 percent to 30 percent of total receipts of fluid milk products other than cream.

Proposal No. 28. Delete the last sentence of § 904.2(f) of the Greater Boston order.

Proposed by the New England Milk Producers' Association; Northern Farms Cooperative, Inc., and Maine Dairymen's Association:

Proposal No. 29. Provide for a nonmember marketing service program under the Greater Boston order at a rate not to exceed two cents per hundredweight.

Connecticut order:

Proposed by The Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 30. Revise the producer definition set forth in § 1019.2(e) (1), (2), and (3) of the Connectiut order as it relates to diversions of producer milk to read as follows:

(1) To a nonpool plant(s) during the following months on not more than the specified days: July through November—6 days (three days in the case of every-other-day delivery) December through March—12 days (six days in the case of every-other-day delivery), April through June—Any number of days;

(2) Any dairy farmer whose milk is diverted during any month from July through March inclusive on more than a number of days specified in subparagraph (1) in this paragraph, shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month.

(3) Any dairy farmer whose milk is diverted to a nonpool plant during any month of April through June shall not be considered to qualify as a producer under this paragraph with respect to any of his deliveries of milk during such month unless such dairy farmer qualified as a producer under this paragraph in each of the preceding months of July through November.

Proposed by Dairymen's League Cooperative Association, Inc.:

Proposal No. 31. Amend the producer definition with respect to diversions of producer milk as it appears in § 1019.2(e) of the Connecticut order to provide that diverted milk be priced at the location of the pool plant from which it was diverted in lieu of the location of the nonpool plant to which diverted as presently provided.

Proposed by The Brock-Hall Producers' Association; The Connecticut Milk Producers' Association; The Connecticut Wholesale Milk Producers' Council; and The Litchfield County Dairy Committee:

Proposal No. 32. Revise the producer definition with respect to diversions of producer milk as set forth in § 1019.2(e) of the Connecticut order to require a historical record of shipment to the market before diversions to nonpool plants are permitted in lieu of the requirement that milk which "touches base" may be diverted to nonpool plants.

Proposed by Connecticut League of Dairy Farmers and Producer-Dealers:

Proposal No. 33. Amend the appropriate sections of the Connecticut order to provide that producer-handlers may buy from and sell to other producer-handlers without such purchases and sales being subject to the class pricing and pooling provisions of the Connecticut order.

Proposed by the Connecticut Milk Dealers Association:

Proposal No. 34. Revise the definition of producer-handler as set forth in § 1019.2(i) of the Connecticut order by adding a quantity limitation of 1,000 quarts daily average on fluid milk products sold in the marketing area.

Proposed by the Brock-Hall Producers' Association, Inc.; The Connecticut Milk Producers' Association; The Connecticut Wholesale Milk Producers Council; and The Litchfield County Dairy Committee:

Proposal No. 35. Revise the appropriate sections of the Connecticut order to add a flush-season-exclusion provision to balance the automatic flush-season-inclusion privilege of handlers with plants in the pool from July through November.

Proposed by The Dairymen's League Cooperative Association, Inc.:

Proposal No. 36. Amend the pool plant definition as it appears in § 1019.3(c) of the Connecticut order to provide automatic pool status for any receiving plant operated by an association of producers which is located within 60 miles of Hartford.

Proposed by The Brock-Hall Producers' Association; The Connecticut Milk Producers' Association; The Connecticut Wholesale Milk Producers' Council; and The Litchfield County Dairy Committee:

Proposal No. 37. Amend the appropriate sections of the Connecticut order to establish that the receipt of bulk tank milk occurs at the point and time at which it is accepted and transferred from the tank of the producer to a tank truck with the quantity of such receipt to be determined at that point.

Proposed by the Connecticut Milk Dealers Association:

Proposal No. 38. Amend § 1019.4 of the Connecticut order by providing a new definition of "diverted milk" to read as follows:

"Diverted milk" means milk which a pool handler reports as having been removed from a dairy farmer's farm to

one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted if:

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused pool milk to be moved from the farm, or caused pool milk to be moved from the farm by tank trucks; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

Proposal No. 39. Amend the appropriate sections of the Connecticut order to provide for volume accounting of milk in lieu of the present butterfat and skim milk accounting method provided.

Proposed by The Brock-Hall Producers' Association; The Connecticut Milk Producers' Association; The Connecticut Wholesale Milk Producers' Council; and The Litchfield County Dairy Committee:

Proposal No. 40. Amend the classification provisions of the Connecticut order to provide for classification of milk disposed of to bakeries as Class I in lieu of present classification as Class II.

Proposed by the Connecticut Milk Dealers Association:

Proposal No. 41. Revise the classification provisions of the Connecticut order to classify as Class II, milk lost due to an emergency, casualty or extreme condition.

Proposal No. 42. Revise the appropriate provisions of the Connecticut order to provide for the handling of shrinkage in a manner similar to that provided in the other New England orders.

Proposal No. 43. Revise the classification and allocation provisions as set forth in §§ 1019.21(a) and 1019.24(a) of the Connecticut order to provide for the classification and accounting of nonfat skim solids used to produce concentrated milk, "half and half", and reconstituted or fortified skim milk on a volume basis in lieu of the present skim milk equivalent basis.

Proposal No. 44. Amend § 1019.24(b) (4) of the allocation provisions of the Connecticut order to add the month of June to the present months of July through November during which 15 percent of producer milk is reserved in Class II prior to the assignment of bulk milk receipts from other Federal order plants.

Proposed by Sealtest Foods Division of National Dairy Products Corporation:

Proposal No. 45. Amend § 1019.24(b) (4) of the allocation provisions of the Connecticut order to add the months of June and December to the present months of July through November during which 15 percent of producer milk is reserved in Class II prior to the assignment of bulk milk receipts from other Federal order plants.

Proposed by H. P. Hood and Sons, Inc.:

Proposal No. 46. Amend § 1019.24 of the Connecticut order to provide for the allocation of inventory of fluid milk products immediately following the allocation of nonfederal other source receipts.

Proposed by The Connecticut Milk Dealers Association:

Proposal No. 47. Amend § 1019.24(b) (5) of the Connecticut order to provide that receipts from other Federal order markets be classified in the same class in which classified under the other Federal order.

Proposed by The Brock-Hall Producers' Association; The Connecticut Milk Producers' Association; The Connecticut Wholesale Milk Producers' Council; and The Litchfield County Dairy Committee:

Proposal No. 48. Revise §§ 1019.30 and 1019.31 of the Connecticut order as they apply to stop and start notices to reduce bookkeeping costs for transfers of pool milk regularly sold in the marketing area.

Proposed by The Connecticut Milk Dealers Association:

Proposal No. 49. Revise § 1019.31(b) of the Connecticut order to relax the present provisions for reporting dumping of milk by providing for weekly reports of milk products dumped in lieu of the present 48-hour report requirement.

Proposed by H. P. Hood and Sons, Inc.:

Proposal No. 50. Revise the dumping provisions as they appear in § 1019.31 of the Connecticut order to eliminate the 48-hour notification of dumpage unless required by the market administrator and to provide for reports to be made as required in § 1019.30.

Proposed by The Brock-Hall Producers Association; The Connecticut Milk Producers' Association; The Connecticut Wholesale Milk Producers' Council; and the Litchfield County Dairy Committee:

Proposal No. 51. Revise § 1019.32 of the Connecticut order to require that written notice of butterfat tests be furnished producers by receiving handlers within 7 days of the end of each sampling period.

Proposal No. 52. Amend § 1019.40 (b) and (c) of the Connecticut order to provide for a 10-cent increase in the Class II price during the months of July and August.

Proposed by the Connecticut Milk Dealers Association and the Sealtest Foods Division of National Dairy Products Corporation:

Proposal No. 53. Amend the Class I pricing provisions with respect to packaged fluid milk products sold on routes in the New York-New Jersey marketing area to read as follows: ", except for packaged fluid milk products sold on routes or to plants for sale on routes in the Order No. 27 marketing area, the Class I price shall be the Order No. 27 price with the differential applicable thereon in the area served."

Proposed by Sealtest Foods Division of National Dairy Products Corporation:

Proposal No. 54. Insert in § 1019.40 of the Connecticut order a provision for a butter-cheese price differential during April through July equivalent to that computed in § 904.44 of the Boston order.

Proposed by Dairymen's League Cooperative Association, Inc.:

Proposal No. 55. Modify § 1019.42(b) of the Connecticut order by providing for the application of plant zone price differentials to begin at plants more than 60 miles from Hartford in lieu of more than 50 miles presently provided.

Proposed by the Connecticut Milk Dealers Association:

Proposal No. 56. Eliminate in § 1019.42 (b) of the Connecticut order the proviso regarding the sequence of assignment of transfers between pool plants.

Proposed by the Connecticut Milk Dealers Association and the Sealtest Foods Division of National Dairy Products Corporation:

Proposal No. 57. Revise § 1019.42(b) of the Connecticut order so that the Class I and uniform price differentials set forth in column "C" of the schedule apply to all milk moved in the form of fluid milk to the marketing area, whether or not such milk is assigned to Class I, and that the Class II price differentials set forth in column "D" of the schedule apply only to milk moved to the marketing area in forms other than fluid milk.

Proposed by the Connecticut Milk Dealers Association.

Proposal No. 58. Add a new paragraph to § 1019.46 of the Connecticut order to provide for a compensatory payment on milk shipped to this market from markets regulated by other Federal orders at a rate which is the difference between the Connecticut Class I price and the other Federal order Class I price.

Proposal No. 59. Delete the "take-out" and "pay-back" provisions as they appear in § 1019.51 (c) and (d) of the Connecticut order.

Proposed by the Brock-Hall Producers' Association, the Connecticut Milk Producers' Association, the Connecticut Wholesale Milk Producers' Council, and the Litchfield County Dairy Committee:

Proposal No. 60. Amend the seasonal incentive pricing plan provision as it appears in § 1019.51(c) of the Connecticut order to increase the "take-out" from 15 cents to 25 cents for the months of April, May, and June.

Proposal No. 61. Simplify calculation of the producer butterfat differential as contained in § 1019.61 of the Connecticut order by deleting the reference to cream quotations and using regular month New York butter quotations in lieu of the 16th of the preceding month through the 15th of the current month.

Proposed by the Sealtest Foods Division of National Dairy Products Corporation:

Proposal No. 62. Delete the phrase "round to the nearest cent" as it appears in § 1019.61 of the Connecticut order to eliminate present differences between the Connecticut order and the Boston order in calculations of the producer butterfat differential.

Proposed by The Eastern Milk Producers Cooperative Association, Inc., and The Sealtest Foods Division of National Dairy Products Corporation:

Proposal No. 63. Amend § 1019.62 to provide that producers be paid for diverted milk on the basis of the prices applicable at the location of the pool plant from which such milk was diverted.

Proposed by the Brock-Hall Producers' Association, the Connecticut Milk Producers' Association, the Connecticut Wholesale Milk Producers' Council and the Litchfield County Dairy Committee:

Proposal No. 64. Delete the words "received at the handler's pool plant(s)" as they appear in § 1019.62 of the Connecticut order to establish that the zone price differential adjustment to the uniform price to be paid producers on diverted milk be based on the location of the nonpool plant to which such milk is diverted.

Proposed by the Dairymen's League Cooperative Association, Inc.:

Proposal No. 65. Amend § 1019.63(a) to extend the 46-cent differential area to that area in the States of New York and Massachusetts not presently included which lies east of the Hudson River beginning at the intersection of the Hudson River and the New York State Extension of the Massachusetts Turnpike and proceeding north along the river to route 20, east along route 20 to the Columbia County line, east along the Columbia County line to the Massachusetts-New York State line, south along the Massachusetts-New York State line to route 20, and east and south along route 20 to the Massachusetts Turnpike.

Proposed by the Brock-Hall Producers' Association, the Connecticut Milk Producers' Association, the Connecticut Wholesale Milk Producers' Council, and the Litchfield County Dairy Committee:

Proposal No. 66. Review the time schedule for payments on adjustments as provided in § 1019.67 of the Connecticut order, delete the phrase "pursuant to §§ 1019.46, 1019.65, 1019.69, and 1019.70" as they appear in § 1019.68, and provided an interest charge of ½ percent to all accounts for which payment is not received in the market administrator's office by the 21st day of the month when due.

Proposed by the Dairy Division:

Proposal No. 68. Clarify the plant definitions in § 1019.3(a) by changing the words "or facilities" as they appear in the proviso to read, "and facilities".

Southeastern New England order:

Proposed by nineteen New England cooperative associations:

Proposal No. 74. Revise the marketing area as it appears in § 990.1(b) of the Southeastern New England order to include the towns of Blackstone, Millville, Uxbridge, Douglas, Hopedale, and Mendon in Worcester County, Massachusetts.

Proposed by the Fall River Milk Producers' Association, Inc.:

Proposal No. 75. Revise the marketing area as it appears in § 990.1(b) of the Southeastern New England order to include the towns of Plainville, Wrentham, Foxboro, Franklin, Bellingham, Walpole, and Sharon in Norfolk County, Massachusetts.

Proposed by Garelick Brothers Farms, Inc.:

Proposal No. 76. Revise the marketing area as it appears in § 990.1(b) of the Southeastern New England order to include the Massachusetts towns of Northbridge, Uxbridge, Milford, Hopedale, Mendon, Millville, Blackstone, Ashland, Sherborn, Hopkinton, and Holliston.

Proposed by nineteen New England cooperative associations:

Proposal No. 77. Delete § 990.2 (c), (d)(2), and (e) and substitute therefor the following:

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk.

(d)(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a pool plant, if that handler caused milk from the same farm to be moved as nonpool milk to a nonpool plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(e) "Producer" means any dairy farmer (except a dairy farmer for other markets, a producer-handler or a dairy farmer who is a producer under another Federal order with respect to milk diverted from a plant subject to such other order) whose milk is moved from his farm to a pool plant or is diverted in accordance with subparagraphs (1) to (4) of this paragraph if the handler, in filing his monthly report pursuant to § 990.30 reports the milk as receipts from a producer at such pool plant:

Proposed by H. P. Hood and Sons, Inc.:

Proposal No. 78. Revise § 990.2(e) of the Southeastern New England order so that the diversion privileges correspond with the provisions established for the Boston, Springfield and Worcester orders.

Proposal No. 79. Delete § 990.2(e)(1) of the Southeastern New England order and substitute therefor the following:

(1) To another pool plant or to the plant of a buyer-handler;

Proposed by Northern Farms Cooperative, Inc. and Main Dairymen's Association, Inc.:

Proposal No. 80. Delete § 990.2(g) of the Southeastern New England order and substitute therefor the following:

(g) "Handler" means any person who engages in the handling of fluid milk products at a pool plant, or any other plant which is located in the marketing area or from which fluid milk products is disposed directly or indirectly in the marketing area.

Proposed by the United Milk Committee:

Proposal No. 81. Revise the producer-handler definition as it appears in § 990.2(i) of the Southeastern New England order to permit a producer-handler to buy and sell milk from and to other producer-handlers and pool plants with 100 pounds per day limitation on such sources as follows:

(i) "Producer-handler" means any person who is both a dairy farmer and a handler who processes milk from his own farm production, distributing all or a portion of such milk in the marketing area on routes and who has no other source of supply for fluid milk products, other than exempt milk and his own farm production, and milk from pool plants and/or other producer-handlers. So long as receipts and/or sales in bulk by him from and to such last two sources does not exceed on the average 100 pounds per day he shall not lose his status as a producer-handler: *Provided,* That the maintenance, care of management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk of his own production are the personal enterprise and the personal risk of such person.

Proposed by the nineteen New England cooperative associations:

Proposal No. 82. Delete § 990.3 (a) and (b) of the Southeastern New England order and substitute therefor the following:

(a) "Plant" means the land and buildings or separate portion thereof, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products and which is used for the handling or processing of milk or milk products. The term shall not include any building, premises, equipment or facilities used primarily to hold or store packaged fluid milk products or other milk products in finished form in transit on routes.

(b) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and there accepted, weighed or measured, sampled and cooled; or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

Proposed by the Fall River Milk Producer's Association, Inc.:

Proposal No. 83. Amend the pool plant definition as it appears in § 990.3(c)(i) by deleting the figures "10" and substitute therefor the figures "30" as minimum percentage requirements for pooling distributing-type plants.

Proposed by the Northern Farms Cooperative, Inc., Maine Dairymen's Association, Inc. and the Rhode Island Milk Dealers Association, Inc.:

Proposal No. 84. Insert the word "receiving" immediately after the word "nonpool" in § 990.3(c)(3) of the Southeastern New England order.

Proposed by nineteen New England cooperative associations.

Proposal No. 85. Delete the words "at a plant" in the first sentence of § 990.4 (a) of the Southeastern New England order.

Proposal No. 86. Add a definition of "pool milk" in § 990.4 or add the following provision to the "producer" definition in § 990.2(e) of the Southeastern New England order: "The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the

handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month".

Proposed by the United Milk Committee.

Proposal No. 87. Add a new subparagraph to § 990.4(g) of the Southeastern New England order as follows: "or (3) milk received at the plant of pool plant, a producer-handler or buyer-handler in bulk from the dairy farmer who produced it, for processing and packaging, and for which an equivalent quantity of packaged milk products other than cream, is returned to the dairy farmer during the same month and this provision shall not preclude a producer-handler from buying or selling from or to other producer-handlers or pool plants milk of his own production in bulk so long as such milk does not exceed on the average 100 pounds per day."

Proposed by nineteen New England cooperative associations:

Proposal No. 88. Add a new subparagraph to § 990.21(a) of the Southeastern New England order as follows: "Inventory of fluid milk products on hand at the end of the month shall be classified as Class I milk except that the portion established as Class II milk in the following month shall be classified as Class II milk."

Proposal No. 89. Delete § 990.21 (b) (4) of the Southeastern New England order.

Proposed by Rhode Island Milk Dealers Association, Inc., and Mt. Pleasant and N. Barber Dairy, Inc.:

Proposal No. 90. Amend § 990.21(b) of the Southeastern New England order to provide a Class II classification for milk or fluid products accidently destroyed or spilled under extraordinary circumstances.

Proposed by The Rhode Island Milk Dealers Association, Inc.:

Proposal No. 91. Delete the words "skim milk" as they occur in § 990.21 (b) (3) and § 990.31(e) and substitute therefor the words "fluid milk products."

Proposal No. 92. Amend § 990.24 of the Southeastern New England order to provide that bulk milk classified and priced under any other Federal order be accorded equivalent assignment and value under this order.

Proposal No. 93. Revise § 990.24(b) of the Southeastern New England order to provide for the assignment of inventory immediately preceding the assignment of other source other Federal order receipts.

Proposed by nineteen New England cooperative associations:

Proposal No. 94. Add a new subparagraph immediately after § 990.24(b) (2) as follows and renumber the succeeding subparagraph to conform:

(3) Subtract the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month from the remaining pounds of skim milk in Class I and Class II milk respectively according to the classification of such inventory in the previous month.

Proposal No. 95. Delete § 990.24(b) (8) of the Southeastern New England order.

Proposed by the Rhode Island Milk Dealers Association, Inc.:

Proposal No. 96. Revise § 990.30 of the Southeastern New England order by deleting from the proviso the words "during the first six months of operation under this order" to allow continued reporting on a volume basis in lieu of the present skim milk and butterfat basis.

Proposal No. 97. Change the reporting date in § 990.30 of the Southeastern New England order from the 8th day to the 10th day after the end of the month.

Proposal No. 98. Amend § 990.31(e) of the Southeastern New England order by inserting immediately preceding the first sentence thereof the following language: "At the option of the market administrator,".

Proposed by The United Milk Committee:

Proposal No. 99. Revise § 990.31 of the Southeastern New England order by adding thereto a new paragraph as follows:

(f) Any dairy farmer, pool handler, producer-handler or producer who maintains a herd of cows and uses part of the raw or processed milk produced by said herd for his own family, employees and livestock shall be exempt from reporting or recording such milk produced by such herd used by his own family, employees and livestock to the extent of, but not to exceed, 20 pounds of milk per cow per month.

Proposed by The Dairymen's League Cooperative Association, Inc., and The Rhode Island Milk Dealers Association, Inc.:

Proposal No. 100. Revise § 990.40 of the Southeastern New England order to eliminate the 7-cent difference in level of Class I price over the Class I price in the Greater Boston order.

Proposed by nineteen New England cooperative associations:

Proposal No. 101. Delete § 990.50(d) of the Southeastern New England order.

Proposed by The Rhode Island Milk Dealers Association, Inc.:

Proposal No. 102. Amend § 990.60(a) (1) of the Southeastern New England order to move back the date of advance payment to producers from the 5th to the 10th of the month.

Proposal No. 103. Amend § 990.60(a) (2) of the Southeastern New England order to move back the date of final payment to producers from the 20th to the 25th of the month.

Proposal No. 104. Delete the words "in writing" as they occur in § 990.60(a) (2) of the Southeastern New England order.

Proposed by The United Milk Committee:

Proposal No. 105. Amend § 990.63(a) of the Southeastern New England order to provide for a nearby farm location differential of 71 cents in lieu of 46 cents.

Proposed by nineteen New England cooperative associations:

Proposal No. 106. Provide that payment of any audit adjustments in § 990.67(c) of the Southeastern New England order shall be made on or before the date for making payment set forth in the provision under which such error occurred, for the month in which such notification is given.

Proposed by The United Milk Committee:

Proposal No. 107. Provide for a marketing service assessment of two cents in § 990.69(a) of the Southeastern New England order in lieu of the present five cents.

Proposal No. 108. Provide for an administrative assessment of two cents in § 990.70 of the Southeastern New England order in lieu of the present five cents.

Proposed by The Rhode Island Milk Dealers Association, Inc.:

Proposal No. 109. Amend § 990.70(a) of the Southeastern New England order to provide for administrative assessment on producer-handlers.

Proposed by the (Reverend) John E. Boyd.

Proposal No. 110. Exempt charitable institutions such as St. Vincent's Home from regulation under the order.

Springfield order:

Proposed by the Dairy Division:

Proposal No. 111. Amend § 996.23(d) of the Springfield order so that it will have similar effect to § 999.23(c) of the Worcester order by adding the following at the beginning of the paragraph: "Except as provided in § 996.22(b)".

Worcester order:

Proposed by Hillcrest Dairy, Inc., and Newton's Dairy, Inc.:

Proposal No. 112. Incorporate in § 999.1(b) of the Worcester order to include in proper alphabetical sequence the following Massachusetts cities, towns, and townships or such part of this area as may be found necessary for the orderly marketing of milk:

Ashburnham.	Oxford.
Ashby.	Princeton.
Barre.	Northboro.
Brookfield.	Northbridge.
Charlton.	Southbridge.
Dudley.	Sterling.
E. Brookfield.	Sturbridge.
Fitchburg.	Sutton.
Gardner.	Templeton.
Hardwick.	Townsend.
Hubardston.	Upton.
Lancaster.	Ware.
Leominster.	Webster.
Lunenberg.	W. Brookfield.
New Braintree.	Westminster.
N. Brookfield.	Westboro.
Oakham.	

Proposed by Hycrest Dairies, Inc.:

Proposal No. 113. Revise § 999.64(a) of the Worcester order to include the town of Hollis, New Hampshire in the farm location differential area.

All New England orders:

Proposed by The Dairy Division:

Proposal No. 114. Make such changes as may be necessary to make the entire marketing agreements and orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the market administrator in the respective markets as follows: Room 403, 230 Congress Street, Boston 10, Massachusetts; Room 408, 145 State Street, Springfield 3, Massachusetts; Room 403, 107 Front

Street, Worcester, Massachusetts; 57 Eddy Street, Providence 3, Rhode Island; Box 2068, 1049 Asylum Avenue, Hartford, Connecticut, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 19th day of August 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 59-6995; Filed, Aug. 21, 1959; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs.; Docket No. 10792]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Notice of Proposed Rule Making

AUGUST 18, 1959.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of the accounting and reporting requirements of Part 241 of the Economic Regulations (14 CFR Part 241). This proposed rule encompasses certain changes (1) to achieve consistency with the judgment in Alaska Airlines, Inc., et al. v. Civil Aeronautics Board, et al, D.C.D.C., Civil No. 3638-56; 103 U.S. App. D.C. 225, 257 F. 2d 229; cert. den. 358 U.S. 881; (2) to prescribe certain accounting and reporting practices with respect to the maintenance (including overhaul) of property and equipment; and (3) to effect certain clarifications of the regulatory requirements.

The principal features of the proposed amendment are set forth in greater detail in the Explanatory Statement preceding the proposed amendment set forth below. Persons who have not received copies of reporting forms herein proposed in the course of distribution may obtain copies from the Publications Section, Civil Aeronautics Board, Washington 25, D.C.

This regulation is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958 (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule-making through submission of seven (7) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 21, 1959, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after September 23, 1959 for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. The rule here proposed is directed at achieving consistency between the Board's Uniform System of Accounts and Reports prescribed for certificated air carriers under Economic Regulation Part 241, and the holdings of the court in Alaska Airlines v. C.A.B., cited above, invalidating those provisions of Part 241 which (1) precluded or required the taking of depreciation for flight equipment spare parts and assemblies, and (2) required, in relation to depreciation, the inclusion of the cost of an overhaul in the undepreciated value of aircraft and the establishment of a maintenance reserve for airframes.

Consistently with the holding of the courts the proposed regulations leave the carriers completely free to decide which assets they wish to depreciate, and in what manner. On the other hand, forms of accounts are prescribed for the proper disclosure and recording, consistently with accepted accounting principles, of the depreciation practices actually decided upon by the air carriers. Thus this proposed rule also prescribes certain accounting and reporting practices with respect to the maintenance (including overhaul) of property and equipment, and also effects certain clarifying changes.

The major provisions of the proposed rule include the following:

1. *As to flight equipment spare parts and assemblies.* a. All provisions which would prevent the accrual of obsolescence reserves against expendable spare parts are discontinued. Similarly, the requirement that rotable spare parts and assemblies be depreciated has been deleted. These matters are left to the option of the carriers.

b. On the other hand, a new regular semi-annual report Form B-9, Inventory of Flight Equipment Spare Parts and Assemblies [1] is prescribed to reveal for each major class of flight equipment spare parts and assemblies the volumes of spare parts and assemblies transactions and the extent to which depreciation and obsolescence reserves have been accrued.

c. There is also included a clarified definition of rotable parts as opposed to expendable parts by limiting the former to parts having a service life expectancy approximating that of the primary property types (e.g. airframes) to which they are related.

2. *Overhaul reserves.* a. All provisions concerning maintenance reserves have been omitted. In lieu thereof, provision is made that upon the performance of overhauls of airframes the cost thereof shall be classified as long term deferred charges, and upon the performance of engine overhauls the cost thereof shall be classified as current assets; both types of overhauls to be amortized by charging operating expense in such manner as to appropriately match the total maintenance costs of the airframes or engines with the use of such flight equipment. There is a further provision, however, that where overhaul procedures employed result in an equitable distribution (among accounting periods) of total overhaul and maintenance costs (i.e., distribution of costs based on the use of airframes or aircraft engines) such overhaul costs may be charged directly to expense as incurred. Adoption of the above accounting procedures results in a write-off of overhaul of airframes and engines separate from the write-off of the original cost of airframes and engines which are separately classified as equipment assets.

b. In connection with the above accounting procedure, a special procedure is also provided for use of the carrier at its option, as to how to account for diminution in airframe and engine service values accruing after the date of purchase but before the beginning of long-term maintenance on a regular basis. This provision permits a carrier to charge an estimated amount for wear and tear to depreciation expense during the initial period of use. Suggested standards for determining the amount to be charged as depreciation under this procedure are provided in the rule for optional use of the carrier.

c. Additional provision is also made to include all related expenses, direct and indirect, in determining the cost of an overhaul (as well as in determining the cost of other capital projects). This is accomplished by establishing a maintenance burden classification, as a clearing account, to be closed out at the close of each accounting period (1) to capital projects (which may include overhaul), (2) to the carrier's current maintenance costs, and (3) to service sales (work done for another company).

3. *Overhaul and undepreciable residual values.* Provisions requiring the inclusion of the cost of an overhaul in residual values have been deleted. In lieu thereof, it is provided that residual values shall give due consideration to the proceeds anticipated from disposition of property or equipment and the extent to which costs attaching to property or equipment are otherwise recovered through charges against income.

4. *Certain depreciation methods and rates.* Other changes have been made to delete substantive control by the Civil Aeronautics Board over air carrier depreciation practices. These changes include the removal of requirements (a) that the years of service life of property and equipment be used as a basis for determining depreciation rates for such property and equipment, and (b) that each airframe and engine be independently depreciated on a unit basis.

It is proposed to revise Part 241 of the Economic Regulations (14 CFR Part 241) in the following respects:

[1] Filed as part of the original document.

1. By amending definitions in § 241.03 in the following respects:

(a) By deleting the words "and maintenance" from the definition of *cost, depreciated;*

(b) By amending the definition for residual value to read as follows:

Residual value. The predetermined portion of the cost of a unit of property or equipment excluded from depreciation. It shall represent a fair and reasonable estimate of recoverable value as at the end of the service life over which the property or equipment is depreciated and shall give due consideration to the proceeds anticipated from disposition of the property or equipment and the extent to which costs attaching to property or equipment are otherwise recoverable through charges against income.

2. By deleting § 241.1–9(c).

3. By deleting the second sentence of § 241.1–9(d).

4. By deleting the words "the required" from § 241.1–9(e).

5. By redesignating §§ 241.1–9 (d), (e), and (f) to 241.1–9 (c), (d), and (e), respectively.

6. By amending § 241.2–14(a) to read as follows:

(a) Expenditures for properties of a type possessing prolonged service lives significantly longer than one year, and which are generally repaired and reused shall be classified as assets and shall not be directly charged against operations as incurred. The cost of such properties, to the extent written off in the form of depreciation or amortization in accordance with the dissipation of use value in each accounting period, shall be treated as part of the capital gain or loss upon retirement and shall not be charged against current operating expenses. Expenditures for properties of a type which are recurrently expended and replaced, rather than repaired and reused, shall be classified as assets and charged to operating expense as issued for use. Depreciation or amortization of assets to be written off through periodic charges against operations shall begin with the date such assets are first placed in or contribute to regular service.

7. By amending § 241.2–14(b) to read as follows:

(b) Properties of a type possessing prolonged service lives significantly longer than one year, and which are generally repaired and reused, shall not be classified as current assets but shall be carried in property and equipment or other appropriate noncurrent classification. Properties of a type which are recurrently expended and replaced shall be classified as current assets.

8. By deleting the last sentence of § 241.2–14(c).

9. By deleting the first sentence of § 241.2–14(d) and substituting therefor the following:

(d) Each air carrier shall file with the Civil Aeronautics Board on or before December 31, 1959 a statement which shall clearly and completely describe for each prescribed classification of property and equipment the methods, service lives and residual values used for computing depreciation on the different subcategories of property or equipment included therein. This statement shall be sufficiently descriptive to permit a pro forma construction of depreciation calculation of each accounting period and shall include identification of those categories depreciated on a unit basis and those categories depreciated on a group basis, as well as the mathematical bases employed for distributing applicable costs between different accounting periods.

10. (a) By amending § 241.3 with respect to the following account designations under "Current Assets": "Short term prepayments—1410" to read "Other short term prepayments—1420"; and "Other current assets—1420" to read "Other current assets—1430".

(b) By inserting in § 241.3 under Current Assets, the following accounts:

Aircraft engine overhauls	1410
Aircraft engine overhauls expired	1411

11. By deleting from § 241.3 under Property and Equipment, the following accounts:

Reserve for maintenance-airframes	1621	1721
Reserve for maintenance-aircraft engines	1622	1722
Reserve for maintenance-leased flight equipment	1627	1727
Leased airframes	1627.1	1727.1
Leased aircraft engines	1627.2	1727.2

12. By inserting in § 241.3 under Deferred Charges, the following accounts:

Airframe overhauls	1810
Airframe overhauls expired	1811

13. By amending § 241.5–3(c) to read as follows:

(c) Operating and nonoperating property and equipment shall be accounted for separately in accordance with the following instructions:

(1) Investment in property and equipment shall be recorded at total cost including all expenditures applicable to acquisition, other costs of a preliminary nature, costs incident to placing in position and conditioning for operation, and costs of additions, betterments, improvements and modifications.

(2) The cost of additions, betterments, improvements and modifications shall be charged to the balance sheet account in which the property or equipment to which related is carried. (See § 241.2–9, for applicable accounting policy). The cost of parts and appurtenances removed, and the reserve for depreciation or other valuation reserves applicable thereto, shall be treated as for retired property and accounted for accordingly.

(3) If different classes of property and equipment chargeable to more than one property account are purchased for a single sum and the cost of each class cannot be definitely ascertained, apportionment shall be based upon the most accurate information available. If necessary, appraisals shall be made to establish the relative costs.

(4) If property and equipment is acquired as a part of a business from another air carrier through consolidation, merger, or reorganization, pursuant to a plan approved by the Civil Aeronautics Board, the costs and related depreciation and other valuation reserves as carried on the books of the predecessor company at the date of transfer shall be entered by the acquiring air carrier in the appropriate accounts prescribed for recording investments in tangible assets. Any difference between the purchase price of the property and equipment acquired and its depreciated cost at date of acquisition shall be recorded in balance sheet account 1870 Property Acquisition Adjustment.

(5) Upon disposal by sale, retirement, abandonment, dismantling, or otherwise, of equipment depreciated on a unit basis, the air carrier shall credit the accounts in which the costs related to the property or equipment are carried with the balances thereof; charge the related valuation reserves with the balances applicable to the property disposed of; and charge the cash proceeds of the sale or the value of salvaged material to the appropriate asset accounts. Where the sales price or salvage value less the cost of dismantling differs from the costs related to the property less accrued valuation reserves, such difference shall be recorded in the appropriate capital gain or loss accounts.

(6) Upon disposal by sale, retirement, abandonment, dismantling, or otherwise, of property or equipment depreciated on a group basis, the air carrier shall credit the asset accounts in which the related costs are carried and charge the applicable depreciation and other related valuation reserves with the cost thereof, less net salvage realized, regardless of the age of the item. No gain or loss shall be recognized in the retirement of individual items of property or equipment depreciated on a group basis.

(7) If property is retired or disposed of as a result of major accident or other casualty, the costs related to such property, less accrued valuation reserves, shall be charged to balance sheet account 1890 Other Deferred Charges pending adjustments and settlement of insurance. The resulting profit or loss, after reflecting adjustments for insurance coverage or self-insurance, shall be recorded in the appropriate capital gain or loss accounts. If the air carrier has no option but to accept replacement by an equivalent unit, the book cost and accrued valuation reserves applicable to the unit disposed of shall be assigned to the new property or equipment. Where the air carrier has the option in settlement to select between replacement in kind and cash or its equivalent, the air carrier shall account for the property or equipment disposed of in accordance with subparagraph (5) or (6) of this paragraph. Any property or equipment purchased in replacement shall be recorded pursuant to § 241.5–3(c)(1).

(8) When property and equipment owned by the air carrier is applied as part payment of the purchase price of new property and equipment, the new property and equipment shall be recorded at its full purchase price provided an excessive allowance is not made for assets traded in, in lieu of price adjustments or discounts on the purchase price of assets acquired. The difference between the depreciated cost of assets

applied as payment and the amount allowed therefor shall be treated as retirement gain or loss.

(9) The cost of property and equipment acquired shall, upon acquisition, be recorded in the appropriate classification specifically established for such property and equipment; provided, that when operating property and equipment acquired requires conditioning or modification before placing in air transport or its incidental services, the costs related thereto shall be accumulated in balance sheet account 1689 Construction Work in Progress. The total accumulated cost shall be transferred to the appropriate operating property and equipment account coincidently with the placing of the property and equipment into regular air transport or incidental services.

(10) When operating property or equipment is retired from air transportation or incidental operations and retained by the air carrier, its cost, together with applicable valuation reserves, shall be transferred to balance sheet classification 1700 Nonoperating Property and Equipment. If property is transferred for exclusive use of separately operated divisions the cost less related evaluation reserves shall be recorded in balance sheet account 1520 Advances to Separately Operated Divisions.

(11) The air carrier shall maintain property and equipment records setting forth the description of all property and equipment recorded in balance sheet classifications 1600 and 1700 Property and Equipment. With respect to each unit or group of property or equipment, the record shall show the date of acquisition, the original cost, the cost of additions and betterments, the cost of parts retired, rates of depreciation, residual values not subject to depreciation, and the date of retirement or other disposition.

(12) Property and equipment loaned, in the custody of, or consigned to the air carrier without a purchase obligation, shall not be recorded in the same manner as similar classes or types of property purchased by the air carrier. The property and equipment accounts shall not be charged with the value of such property, and liability accounts shall not be established, provided, however, that appropriate memoranda accounts may be maintained.

(13) Charges to the accounts prescribed herein shall be made upon the basis of functions performed without regard to the location at which the equipment or property is installed or placed.

(14) Objective accounts shall be maintained for each class of property and equipment in accordance with the instructions set forth in § 241.6.

14. By amending the title of § 241.5–4 to read "Property and equipment depreciation and overhaul" and the text thereof to read as follows:

(a) The balance sheet classification "depreciation reserves" shall include the accumulation of all provisions for losses occurring in property and equipment from use and obsolescence. For example, it shall include reserves for depreciation established to record current lessening in service value due to wear and tear from use and the action of time and the elements, as well as losses in capacity for use or service occasioned by obsolescence, supersession, discoveries, change in popular demand, or the requirement of public authority. Residual values and rates for accrual of depreciation shall be calculated to prevent charging excessive or inadequate expense or the accumulation of inadequate or excessive reserves.

(b) Depreciation shall be calculated from the date on which a building, structure or unit of property is placed in or contributes to regular service and shall cease on the date such property is withdrawn from service by reason of sale, retirement, abandonment, or dismantling, or when the difference between the cost and residual value shall have been charged to expense.

(c) Property not subject to depreciation shall include (1) land owned or held in perpetuity, and (2) expenditures on uncompleted units of property and equipment during the process of construction or manufacture.

(d) Rates of depreciation and undepreciable residual values applied to each class of depreciable property and equipment shall be calculated to distribute the estimated depreciable cost to operating expense accounts and other accounts over the estimated service life of the property and equipment in such manner as will prevent the charging of either excessive or inadequate expense or the accumulation of excessive or inadequate reserves (see § 241.2–14(c)) and fully recognize the extent to which all expenditures attaching to property and equipment are otherwise recoverable through income charges and disposal proceeds. In order to effect a proper matching of revenues and expenses for the period prior to performance of the initial overhaul on each unit the air carrier may increase normal depreciation accruals by an amount which represents the reduction in value for service resulting from the lag commonly experienced in attaining a repetitive overhaul pattern. Any such additional accruals shall be effected by charges to profit and loss account 75.6 "Asset Impairment from Maintenance Lag" and credits to the applicable depreciation reserves. Under procedures in which complete overhauls are performed in a single operation and the costs thereof are deferred for subsequent amortization, the cumulative lag in expense recognition will tend to approximate 100 percent of the cost of one complete overhaul for each property unit. Under procedures in which complete overhauls are performed in a single operation and the costs thereof are expensed directly, the cumulative lag in expense recognition for all similar property units will commonly tend to approximate 50 percent of the cost of one complete overhaul for each property unit. A lag in cost recognition of similar magnitude commonly tends to accrue with respect to property overhauled in piecemeal progressive phases whether the cost thereof is expensed directly or deferred for amortization in accordance with subsequent use.

(e) Adjustments in rates of depreciation occasioned by changing conditions shall be applied in accordance with the general policies set forth in § 241.2–14.

(f) The direct and applicable indirect or overhead costs of airframe and aircraft engine overhauls shall be classified in appropriate asset accounts for amortization so as to effectively produce an appropriate matching of total airframe and aircraft engine costs with the operation of aircraft and shall not be expensed directly; *Provided,* That under circumstances where overhaul procedures are employed in which periodic overhauls or overhaul phases are sufficiently recurrent to result in an equitable distribution of total overhaul and maintenance costs as between different accounting periods, in accordance with the use of airframes or aircraft engines, the cost thereof need not be deferred but may be expensed directly as maintenance. For the purposes of this system of accounts and reports, an airframe or aircraft engine "overhaul" shall be deemed to encompass the total cost of those inspections or replacements of major components performed in piece-meal phases or in one operation as are required to be performed at specified maximum periodic intervals by the Civil Air Regulations to recertify that airframes or aircraft engines are in a completely airworthy condition. Costs, which attach to the routine replacement of minor parts and servicing or inspection of airframes and aircraft engines, performed on a recurrent but not scheduled basis or on a scheduled basis without withdrawal from line service, to maintain airframes and aircraft engines in an operating condition, shall not be considered "overhauls" but shall be expensed directly as ordinary recurrent maintenance. Extraordinary costs of material amounts associated with the renewal of major structural parts of airframes and aircraft engines beyond the scope of normal periodic overhauls or which are incurred at periodic intervals approximating the depreciable service life of the airframe or aircraft engine types to which related shall not be considered to be overhauls. Such costs shall be accounted for as restoration of assets chargeable to the related property account. The cost of components removed, together with related valuation reserves, shall be treated as retired property and accounted for accordingly. In the event identification of the cost of the components removed is not feasible—the costs entailed in substituting components may be charged against the related depreciation reserves.

(g) The following accounting practices shall be observed when the cost of airframe and aircraft engine overhauls is not charged to expense as incurred:

(1) The cost of owned airframe and aircraft engine overhauls shall be charged, as incurred, to balance sheet accounts 1810 Airframe Overhauls and 1410 Aircraft Engine Overhauls, respectively.

(2) Amortization of the cost of owned airframe and aircraft engine overhauls shall be credited to balance sheet account 1811 Airframe Overhauls Expired

or 1411 Aircraft Engine Overhauls Expired, as appropriate, and concurrently charged to Profit and Loss account 72 Overhaul Amortization in such manner as will equitably apportion the cost of each overhaul between the different accounting periods embraced by the overall period of serviceability provided by each overhaul.

(3) Costs accruing with the use of leased airframes or aircraft engines, under circumstances in which the air carrier is obligated to return the property to the lessor in an overhauled condition, shall be charged to Profit and Loss account 72 Overhaul Amortization and credited to the appropriate sub-account of balance sheet account 2290 Other Noncurrent Liabilities in accordance with the use of such property in each accounting Period. Upon the performance of overhauls on leased airframes or aircraft engines the cost thereof shall be prorated as between the portion applicable to a restoration of the overhaul cycle expired prior to acquisition, which shall be charged to balance sheet account. 1410 Aircraft Engine Overhauls or account 1810 Airframe Overhauls and the portion applicable to a restoration of the overhaul cycle expired subsequent to acquisition, which shall be charged against the related liability recorded in balance sheet account 2290 Other Noncurrent Liabilities. Amounts carried in balance sheet accounts 1410 and 1810 shall be amortized to profit and loss account 72 Overhaul Amortization in accordance with the property use by the air carrier and any remaining balance, after settlement with the lessor, shall be charged to that account directly. Any balance of charges and credits to account 2290 Other Noncurrent Liabilities related to overhaul of leased property after performance of each overhaul, and after settlement with the lessor, shall likewise be carried to profit and loss account 72 Overhaul Amortization.

(4) The cost of labor, materials, outside repairs and applied burden for each overhaul shall be charged as incurred to the applicable objective expense accounts without regard to the time over which the related property may be used. The cost of overhauls deferred shall be credited to profit and loss account 72 Overhaul Amortization when performed and shall be amortized to that account as consumed in operations. As a result, maintenance expense will be reflected by the detailed objective accounts in the period in which incurred and total maintenance expense will be reflected over the periods in which consumed in operation.

(h) Each air carrier shall submit a statement fully describing its plans for accounting for airframe and aircraft engine overhauls as a supplement to the CAB Form 41 for the period in which such accounting is first established or revised. This statement shall indicate for each airframe and aircraft engine type whether the cost of overhauls related thereto are as a matter of consistent practice deferred for subsequent amortization or are expensed directly. If the latter, the statement shall include a factual demonstration that such accounting practice results in an equitable apportionment of costs between different accounting periods in accordance with the use of aircraft and does not produce periodic peaks in maintenance costs in one accounting year which are properly applicable to operations performed in other accounting years. If the former, the statement shall indicate the service period and method of amortizing overhaul costs and provide a factual demonstration of the hours realized between overhauls over previous representative periods.

(i) In effecting the foregoing overhaul accounting practices, those air carriers previously accounting through maintenance reserves shall transfer the balance of any such reserves to the applicable depreciation reserves and any overhaul costs which may have been segregated from the related airframe or aircraft engine assets shall be returned to the applicable property account. In the event existing property accounts reflect the cost values of fully overhauled units and overhaul costs have also been separately retained as assets, the costs of such separately retained overhaul costs shall be transferred to account 1410 or 1810 and the related maintenance reserves to account 1411 or 1811.

15. By deleting the first sentence of § 241.5–5(b).

16. By deleting § 241.5–8(b).

17. By amending the second sentence of § 241.6–1310(a) to read as follows: "The cost of rotable parts and assemblies of material value which ordinarily are repaired and reused and possess a service life approximating that of the primary property types to which related shall not be recorded in this account but in balance sheet account 1608 Flight Equipment Rotable Parts and Assemblies."

18. By deleting the first sentence of § 241.6–1310(d).

19. By amending § 241.6–1311(a) and § 241.6–1311(b) to read as follows:

(a) Accruals shall be made to this account where reserves are established for estimated losses from obsolescence of flight equipment expendable parts. Such accruals shall give due consideration to the balance of such parts anticipated to be on hand at the date of retirement of the airframe or aircraft engine type to which related and which will not have been charged to operating expenses. Accounting practices as set forth below shall be followed.

(b) Periodic accruals to this account shall be charged to profit and loss account 73 Expendable Parts Obsolescence Provisions. The reserve applicable to each class or type of expendable parts shall be recorded in separate subaccounts of this account.

20. By deleting the last sentence of § 241.6–1311(d).

21. By amending the first sentence of § 241.6–1330(e) to read as follows:

(e) A reserve for inventory adjustment applicable to materials and supplies is prohibited.

22. By establishing a new account classification in § 241.6 to read as follows:

1410 *Aircraft Engine Overhauls.* Record here the cost of aircraft engine overhauls where such costs are not charged against operations as incurred but are deferred for allocation to subsequent accounting periods in accordance with the use of such engines in the operations of the air carrier. The cost of each overhaul shall be removed from this account and charged to account 1411 Aircraft Engine Overhauls Expired upon the performance of subsequent overhauls or the retirement of related aircraft engines.

23. By establishing a new account classification in § 241.6 to read as follows:

1411 *Aircraft Engine Overhauls Expired.* (a) Record here accumulated amortizations of aircraft engine overhaul costs included in balance sheet account 1410 Aircraft Engine Overhauls. Amortizations to this account shall be made in accordance with the provisions of § 241.5–4(g).

(b) The cost of each overhaul shall be removed from account 1410 Aircraft Engine Overhauls and charged to this account upon the performance of subsequent overhauls or the retirement of related aircraft engines. Any applicable balance in this account shall be carried to profit and loss account 72 Overhaul Amortization except that when related to retired aircraft engines such balance shall be treated as part of the net cost of the property retired and accounted for accordingly.

24. By amending the citation for § 241.6–1410 Short Term Prepayments to § 241.6–1420 Other Short Term Prepayments.

25. By amending the citation for § 241.6–1420 Other Current Assets to § 241.6–1430 Other Current Assets.

26. By deleting the second sentence of § 241.6–1607.

27. (a) By amending the second sentence of § 241.6–1608(a) to read as follows: "This account shall include all parts and assemblies of material value which are rotable in nature, are generally reserviced or repaired, are used repeatedly and possess a service life approximating that of the property type to which they relate."

(b) By deleting the words "and depreciated" from the fourth sentence of § 241.6–1608(a).

28. By amending § 241.6–1629 to read as follows:

1629 *Reserve for Depreciation—Flight Equipment.* (a) Record in accounts 1611 through 1618, inclusive, accruals for depreciation of flight equipment as provided in § 241.5–4.

(b) As set forth in § 241.3, Chart of Balance Sheet Accounts, separate accounts shall be established for depreciation reserves to parallel balance sheet accounts 1601 through 1608 established for recording the cost of flight equipment.

29. By deleting the words "and maintenance" from § 241.6–1700.

30. By establishing a new account classification in § 241.6 to read as follows:

1810 *Airframe Overhauls.* Record here the cost of airframe overhauls where such costs are not charged against operations as incurred but are deferred for allocation to accounting periods in accordance with the use of such airframes in the operations of the air carrier. The cost of each overhaul shall be removed from this account and charged to account 1811 Airframe Overhauls Expired upon the performance of subsequent

overhauls or the retirement of related airframes.

31. By establishing a new account classification of § 241.6 to read as follows:

1811 *Airframe Overhauls Expired.* (a) Record here accumulated amortizations of airframe overhaul costs included in balance sheet account 1810 Airframe Overhauls. Amortizations to this account shall be made in accordance with the provisions of § 241.5–4(g).

(b) The cost of each overhaul shall be removed from account 1810 Airframe Overhauls and charged to this account upon the performance of subsequent overhauls or the retirement of related airframes. Any applicable balance in this account shall be carried to profit and loss account 72 Overhaul Amortization except that when related to retired airframes such balance shall be treated as part of the net cost of the property retired and accounted for accordingly.

32. By inserting the word "Other" between "1820" and "Long-Term" in the title to § 241.6–1820.

33. By amending § 241.6–2290 to read as follows:

(a) Record here noncurrent liabilities not provided for in balance sheet accounts 2210 to 2260, inclusive, such as accruals for personnel dismissal liability, liability for overhaul of leased flight equipment and accruals of other demonstrable miscellaneous noncurrent liabilities.

(b) Each carrier shall maintain the following subaccounts:

2290.2 *Overhaul Liability—Leased Airframes.* Record here demonstrable liabilities for the overhaul of leased airframes.

2290.3 *Overhaul Liability—Leased Aircraft Engines.* Record here demonstrable liabilities for the overhaul of leased aircraft engines.

2290.9 *Miscellaneous Noncurrent Liabilities.* Record here noncurrent liabilities not provided for in subaccounts 2290.2 and 2290.3.

34. By amending § 241.7–72 in the column headed "Objective Classification of Profit and Loss Elements" to read as follows:

72 Overhaul amortization.
- 72.1 Overhaul amortization—airframes.
- 72.2 Overhaul amortization—aircraft engines.

35. By amending the citation of § 241.10–5400 Maintenance to § 241.10–5200 Maintenance; by deleting subparagraph (e), thereof, and its subscript 5200 Direct Maintenance including paragraph (a) thereunder; and by changing paragraphs (b) and (c) of subscript 5200 Direct Maintenance to paragraphs (e) and (f) of revised citation 5200 Maintenance.

36. By amending § 241.10–5300 Maintenance Burden to read as follows:

5300 *Maintenance Burden—Clearing.* (a) This classification shall include all overhead or general expense related directly to activities involved in the overhaul, maintenance, and repair of property and equipment. It shall include the cost of labor, materials and outside services used directly in the overhaul, maintenance and repair of property and equipment carried in balance sheet accounts 1634 Maintenance and Engineering Equipment and 1640.1 Maintenance Buildings and Improvements, and the depreciation expense attributable to such property and equipment, as well as expenses related to the administration of maintenance stocks and stores, the keeping of pertinent maintenance operations records, and the controlling, planning and supervision of maintenance operations.

(b) This classification shall not include expenses related to financial accounting, purchasing or other overhead activities which are of general applicability to all operating functions. Such expenses shall be included in function 6900 General Services and Administration.

(c) The expenses accumulated within this clearing account shall be classified in terms of the natural objectives of each expenditure as set forth in § 241.7 Chart of Profit and Loss Accounts. At the close of each accounting period the accumulated charges in this classification shall be allocated as between maintenance of flight equipment, maintenance of general ground properties outside service sales to others and capital projects and shall be cleared from this classification by credit to account 79 Applied Burden Debit/Credit and by charge to function 5200 Maintenance and other appropriate balance sheet or profit and loss classifications. At the option of the air carrier standard burden rates may be employed for quarterly allocation of maintenance burden provided the rates are reviewed at least once each accounting year and the amounts allocated are adjustd to reflect the actual costs incurred for the full accounting year. Any differences between actual burden costs incurred during each quarter and amounts applied at standard rates shall be entered in account 79.9 Over or Under applied Burden of function 5200 Maintenance. Each air carrier shall file with the Civil Aeronautics Board a statement as a supplement to the Form 41 report in which the procedures followed in allocating maintenanc burden are fully explained. Revisions in such allocation procedures shall not be effected for 30 days following written notice to the Civil Aeronautics Board.

37. By amending the citation of § 241.11–5400 Maintenance to § 241.11–5200 Maintenance; by deleting subparagraph (e), thereof, and its subscript 5200 Direct Maintenance including paragraph (a), thereunder; and by changing paragraphs (b) and (c) of subscript 5200 Direct Maintenance to paragraphs (e) and (f) of revised citation 5200 Maintenance.

38. By amending § 241.11–5300 Maintenance Burden to read as follows:

5300 *Maintenance Burden—Clearing.* (a) This classification shall include all overhead or general expenses related directly to activities involved in the overhaul, maintenance and repair of property and equipment. It shall include the cost of labor, materials and outside services used directly in the overhaul, maintenance and repair of property and equipment carried in balance sheet accounts 1634 Maintenance and Engineering Equipment and 1640.1 Maintenance Buildings and Improvements, and the depreciation expense attributable to such property and equipment, as well as expenses related to the administration of maintenance stocks and stores, the keeping of pertinent maintenance operations records, and the controlling, planning and supervision of maintenance operations.

(b) This classification shall not include expenses related to financial accounting, purchasing or other overhead activities which are of general applicability to all operating functions. Such expenses shall be included in function 6800 General and Administrative.

(c) The expenses accumulated within this clearing account shall be classified in terms of the natural objectives of each expenditure as set forth in § 241.7 Chart of Profit and Loss Accounts. At the close of each accounting period the accumulated charges in this classification shall be allocated as between maintenance of flight equipment, maintenance of general ground properties outside service sales to others and capital projects and shall be cleared from this classification by credit to account 79 Applied Burden Debit/Credit and by charge to function 5200 Maintenance and other appropriate balance sheet or profit and loss classifications. At the option of the air carrier standard burden rates may be employed for quarterly allocation of maintenance burden provided the rates are reviewed at least once each accounting year and the amounts allocated are adjusted to reflect the actual costs incurred for the full accounting year. Any differences between actual burden costs incurred during each quarter and amounts applied at standard rates shall be entered in account 79.9 Over or Underapplied Burden of function 5200 Maintenance. Each air carrier shall file with the Civil Aeronautics Board a statement as a supplement to the Form 41 report in which the procedures followed in allocating maintenance burden are fully explained. Revisions in such allocation procedures shall not be effected for 30 days following written notice to the Civil Aeronautics Board.

39. By substituting "function 5200 Maintenance" for all references in § 241.13–25 and § 241.13–25.9 to "subfunction 5200 Direct Maintenance" and by substituting in § 241.13–25.9 "classification 5300 Maintenance Burden-Clearing" for all references to "subfunction 5300 Maintenance Burden."

40. By substituting "function 5200 Maintenance" for all references in § 241.13–42.9(b) to "subfunction 5200 Direct Maintenance" and by substituting therein "classification 5300 Maintenance Burden-Clearing" for all references to "subfunction 5300 Maintenance Burden."

41. By substituting "function 5200 Maintenance" for all references in § 241.13–43.9 to "subfunction 5200 Direct Maintenance" and by substituting therein "classification 5300 Maintenance Burden-Clearing" for all references to "subfunction 5300 Maintenance Burden."

42. By substituting "function 5200 Maintenance" for all references in § 241.13–46.9 to "subfunction 5200 Direct Maintenance" and by substituting therein "classification 5300 Maintenance Burden-Clearing" for all references to "subfunction 5300 Maintenance Burden."

43. By amending § 241.13–72 to read as follows:

72 *Overhaul Amortization.* (a) Record here amortization of deferred airframe and aircraft engine overhaul costs and credits for overhaul costs deferred in accordance with the provisions of § 241.5–4(g). Cost actually expended in overhaul shall be charged, as incurred, to direct labor, materials, outside repair and Maintenance Burden-Clearing objective accounts.

(b) This account shall be subdivided as follows by all air carrier groups:

72.1 *Overhaul Amortization — Airframes.* Record here amortizations of deferred airframe overhaul costs and credits for overhaul costs deferred.

72.2 *Overhaul Amortization—Aircraft Engines.* Record here amortizations of deferred aircraft engine overhaul costs and credits for overhaul costs deferred.

44. By amending § 241.13–73 to read as follows:

Where reserves for the obsolescence of flight equipment expendable parts are es-

tablished by the air carrier, provisions for accruals to such reserves shall be charged to this account and credited to balance sheet account 1311 Reserve for Obsolescence—Expendable Parts in accordance with the provisions of that account.

45. By changing the account number for "Depreciation—Flight Equipment" from "75.6" to "75.7" and inserting the following new account under § 241.13:

75.6 *Asset Impairment from Maintenance Lag.* Record here any provisions for the dissipation of airframe and aircraft engine service values resulting from the lag in performance of the initial overhaul following the acquisition of airframes or aircraft engines (See § 241.5-4(d)). Amounts provided by charges to this account shall be credited to the depreciation reserve of the related property or equipment.

46. By amending § 241.13-79 Applied Burden Debit/Credit to read as follows:

(a) This account shall reflect credits to classification 5300 Maintenance Burden-Clearing, and contra charges to function 5200 Maintenance, for the clearance of accumulated charges therein at the close of each accounting period to maintenance expense, outside service sales to others and capital projects. (See §241.10 and § 241.11—5300 Maintenance Burden—Clearing.)

(b) This account shall be subdivided as follows by all air carrier groups:

79.2 Applied Burden—Service Sales to Others.
79.3 Applied Burden—Capital Projects.
79.6 Applied Burden—Maintenance.
79.9 Over or Under Applied Burden.

47a. By amending § 241.22(d) (5) and (9) to read as follows:

(5) Statement of plan for accounting for airframe and aircraft engine overhauls as required by § 241.5-4(h).

* * * * *

(9) Statement of plan for accounting for application of maintenance burden as required by § 241.10-5300(c) and § 241.11-5300(c).

b. By deleting the words "and maintenance" from the last sentence of paragraph (f) of instructions, in § 241.23, for the preparation of Schedule B-5—Property and Equipment.

c. By changing the word "Columns" to "Column" and deleting the words "and 13" and "and Maintenance" from paragraph (j) of instructions, in § 241.23, for the preparation of Schedule B-7—Airframes and Aircraft Engines Acquired.

d. By changing the column number for "Disposition" from "13" to "12" in the instructions, in § 241.23, for the preparation of Schedule B-8—Property and Equipment Retired.

e. By deleting Schedule B-9 Accrued Maintenance in § 241.23 and establishing instructions for a new report schedule, incorporated herein by reference, to read as follows:

SCHEDULE B-9 INVENTORY OF FLIGHT EQUIPMENT SPARE PARTS AND ASSEMBLIES

(a) This schedule shall be filed by all air carrier groups as at June 30 and December 30 of each calendar year.

(b) The indicated data shall be reported for airframe parts, aircraft engine parts and other flight equipment parts, by types of airframes or aircraft engines to which applicable, and separately for expendable parts and assemblies and rotable parts and assemblies.

(c) Column 2, Balance Beginning of Period, shall reflect the balance of costs existing for each classification as at the beginning of the six-month period for which report is being made and shall agree with the balances shown in column 6, Balance End of Period, on the next previous report.

(d) Column 3, Purchases During Period, shall reflect the costs of parts and assemblies acquired by the air carrier during the six month period for which report is being made through purchase or dismantling of property and equipment.

(e) Column 4, Retirements During Period, shall reflect the book cost of either expendable or rotable parts and assemblies sold to outsiders or abandoned, but not applied to operations, during the six-month period for which report is being made.

(f) Column 5, Net Operating Withdrawals During Period, shall reflect the cost of expendable parts and assemblies applied in maintenance or capital projects less the value of parts recovered from operations during the six-month period for which report is being made.

(g) Column 6, Balance End of Period, shall reflect the book balance of parts and assemblies as at the close of the six-month period for which report is being made and shall agree, in aggregate for expendable parts and rotable parts, with the respective balances reflected for such asset classifications in the current Schedule B-1, Balance Sheet.

(h) Column 7, Balance Beginning of Period, shall reflect the balance of accumulated obsolescence and depreciation provisions existing for each classification as at the beginning of the six-month period for which report is being made and shall agree with the balances shown in column 10, Balance End of Period, on the next previous report.

(i) Column 8, Provisions During Period, shall reflect the net provisions (either positive or negative) for obsolescence and depreciation, or adjustments thereto during the six-month period for which report is being made. In the event provisions or adjustments thereto are made through charges or credits against accounts other than 73 Expendable Parts Obsolescence Provisions or 75 Depreciation the accounts charged and the amounts so provided shall be reported by appropriate footnote.

(j) Column 9, Retirements During Period, shall reflect the portion of accumulated provisions for obsolescence or depreciation absorbed in sale, abandonment or other retirements of parts and assemblies during the six-month period for which report is being made.

(k) Column 10, Balance End of Period, shall reflect the balance of accumulated provisions for obsolescence or depreciation existing as at the close of the six-month period for which report is being made and shall agree, in aggregate for expendable and rotable parts, separately, with the respective current balances reflected for such asset classifications in Schedule B-1, Balance Sheet.

(l) Column 11, Cost Less Valuation Reserves at End of Period shall reflect the differences between columns 6 and 10.

f. By amending in § 241.23, the title for Schedule B-42—"Accounts 1410 Short Term Prepayments, 1550 Special Funds—Other, 1820 Long Term Prepayments, 1880 Other Intangibles, 1890 Other Deferred Charges and 2390 Other Deferred Credits" to read: "Accounts 1420 Other Short-Term Prepayments, 1550 Special Funds—Other, 1820 Other Long-Term Prepayments, 1880 Other Intangibles, 1890 Other Deferred Charges, 2390 Other Deferred Credits."

g. By changing "11" to "10" in paragraph (f) of the instructions, in § 241.23, for the preparation of Schedule B-43—Inventory of Airframes and Aircraft Engines.

48. By amending the instructions in § 241.24 for the preparation of reports of profit and loss elements in the following respects:

a. By amending paragraph (g) of the reporting instructions for Schedules P-5.1 and P-5.2—Aircraft Operating Expenses to read as follows:

(g) Account 79.6 Applied Burden—Maintenance shall reflect, for each equipment type, an allocation by each air carrier of the total expenses included in classification 5300 Maintenance Burden—Clearing, as reported on Schedule P-6, representing the portion of such expenses applicable to flight equipment. Each air carrier shall file with the Civil Aeronautics Board as a supplement to this schedule a statement in which the bases and procedures to be followed in allocating maintenance burden as between flight equipment and general ground properties and between aircraft types are fully explained. Revisions in such allocation procedures shall not be effected for 30 days following written notice to the Civil Aeronautics Board. At the option of the air carrier, standard burden rates may be employed for quarterly allocations of maintenance burden provided the rates are reviewed at least once each accounting year and the amounts allocated are adjusted to reflect the actual costs incurred for the full accounting year. Any difference between actual burden costs incurred during each quarter and amounts applied at standard rates shall be entered in account 79.9 Over or Under Applied Burden in Schedule P-6.

b. By changing the words "item 75.6 Total Depreciation—Flight Equipment" in paragraph (h) of the reporting instructions for Schedules P-5.1 and P-5.2—Aircraft Operating Expenses to "item 75.7 Total Depreciation—Flight Equipment".

c. By deleting paragraphs (d) through (g) from the reporting instructions for Schedule P-6—Maintenance, Passenger Service, and General Services and Administration Expense functions in § 241.24 and inserting instructions in lieu thereof to read as follows:

(d) Group I carriers shall report, in the applicable columns of this Schedule, the amount of expense (for each element classified under the system of profit and loss objective accounts) reflected under "Maintenance" (5200), "Maintenance Burden—Clearing" (5300) and "General Invoices and Administration" (6900).

(e) Group II and Group III air carriers shall report, in the applicable columns of this Schedule, the amount of expense (for each element classified under the system of profit and loss objective accounts) reflected under "Maintenance" (5200), "Maintenance Burden—Clearing" (5300) and "Passenger Service" (5500).

(f) Accounts 79.2 Applied Burden—Service Sales to Others, 79.3 Applied Burden—Capital Projects and 79.6 Applied Burden—Maintenance, respectively, shall reflect an allocation by each air carrier of the total expenses included in classification 5300 Maintenance Burden—Clearing between maintenance of property and equipment, capital projects and service sales to others. Credit amounts reflected in account 79.6 under classification 5300 shall be reflected as debits in the same amount under classification 5200. At the option of the air carrier, standard burden rates may be applied for quarterly allocations of maintenance burden provided the rates are reviewed at least once each accounting year and the amounts allocated are adjusted to reflect the actual costs incurred for the full accounting year. Any differences between

actual burden costs incurred during each quarter and amounts applied at standard rates shall be entered in account 79.9 Over or Under Applied Burden as debits or credits, as appropriate, under classifications 5200 and 5200.

(g) The amounts included in objective account 79.6 under classification 5200 shall be allocated between maintenance of ground property and equipment, exclusive of maintenance of maintenance equipment and maintenance buildings included under classification 5300, and maintenance of flight equipment by aircraft type. Data with respect to aircraft types shall be reported in accordance with instructions for Schedule P-5—Aircraft Operating Expenses.

(h) Each air carrier shall file with the Civil Aeronautics Board a statement as a supplement to this schedule in which the bases and procedures to be followed in allocating maintenance burden are fully explained. Revisions in such allocation procedures shall not be effected for 30 days following written notice to the Civil Aeronautics Board.

(i) The total of each functional expense classification reported in this schedule shall agree with the corresponding amount reported in Schedule P-1.

d. By deleting the word "Direct" between "5200" and "Maintenance" in paragraph (c) of the instructions for reporting on Schedules P-9.1 and P-9.2 and changing the preceding word "subfunction" to "function".

49. By amending the format of reporting forms referred to in § 241.23 in the following respects:

a. By deleting the words "and maintenance" from asset subtitle "Reserves for depreciation and maintenance" on Schedule B-1—Balance Sheet.

b. By deleting Column 9 "Reserve for Maintenance" from Schedule B-5—Property and Equipment and renumbering Column 10 to Column 9.

c. By deleting Column 13 "Reserve for Maintenance" from Schedule B-7—Airframes and Aircraft Engines Acquired and renumbering Columns 14, 15, and 16 to 13, 14, and 15, respectively.

d. By deleting Column 9 "Reserve for Maintenance" from Schedule B-8—Property and Equipment Retired and renumbering Columns 10, 11, 12, and 13 to 9, 10, 11, and 12, respectively.

e. By amending the title for Schedule B-42—Accounts 1410 Short-Term Prepayments, 1550 Special Funds—Other, 1820 Long-Term Prepayments, 1880 Other Intangibles, 1890 Other Deferred Charges, 2390 Other Deferred Credits to read as follows: "Accounts 1420 Other Short-Term Prepayments, 1550 Special Funds—Other, 1820 Other Long-Term Prepayments, 1880 Other Intangibles, 1890 Other Deferred Charges, 2390 Other Deferred Credits."

f. By deleting Column 10 "Reserve for Maintenance" from Schedule B-43—Inventory of Airframes and Aircraft Engines, renumbering Columns 11, 12, and 13 to 10, 11, and 12, respectively, and inserting new Columns 13 entitled "Airframe/Aircraft Engine Overhaul" and 14 entitled "Airframe/Aircraft Engine Overhauls Expired".

50. By amending the format of reporting forms referred to in § 241.24 in the following respects:

(a) By amending the functional classification designator for "Maintenance" from 5400 to 5200 on the Income Statement—Schedules P-1.1 (for Group I Air Carriers) and P-1.2 (for Group II and Group III Air Carriers);

(b) By changing the account designator for "Depreciation—flight equip. (per Sched. P-5)" from "75.6" to "75.7" and deleting "Depreciation maintenance equipment and hangars" and related account designators "75.8" from Schedule P-3 under the sub-title "Depreciation and Amortization";

(c) By deleting the word "Direct" from the sub-title "Direct Maintenance—Flight Equipment"; by amending the lines "Maintenance reserve provisions—airframes" * * * "72.1" and Maintenance reserve provisions—aircraft engines" * * * "72.2" to "Overhaul amortization—airframes" * * * "72.1" and "Overhaul amortization—aircraft engines" * * * "72.2", respectively; by changing the line "AP. MAINT. BURDEN—FLT. EQP. (per Sch. P-6) from a sub-title to an objective account, printed in lower case; deleting the word "(Memo)" from the line entitled Total flight equipment maintenance "(Memo)"; by inserting an account entitled "Asset Impairment From Maintenance Lag" * * * "75.6"; and, by changing the account number for "Total depreciation—flight equip. (per Sch. P-3)" from "75.6" to "75.7" on the statement of Aircraft Operating Expenses—Schedules P-5.1 (for Group I Air Carriers) and P-5.2 (for Group II and Group III Air Carriers);

(d) By amending Schedule P-6—Maintenance, Passenger Service and General Services and Administration Expense Functions as follows:

(1) Changing the third line of the heading of the second column to read: "Name: Maintenance (5200)";

(2) Changing the third line of the heading of the third column to read: "Name: Maintenance Burden—Clearing (5300)";

(3) Inserting a new account designation below "Other expenses" in the first column to read: "Depreciation—maint. equip. & hangars" and opposite thereto, in the third column, inserting a new account numbered "75.8";

(4) Striking from the third column account numbers "77.8" and "77.9"; and

(5) Deleting in the first column the word "Totals" and all account designations appearing subsequently below as well as corresponding account numbers in the third column and substituting therefor the following:

First column	Second column	Third column
Applied Burden—Debit/Credit:		
Service sales to others	----------	[1] 79.2
Capital projects	----------	[1] 79.3
Maintenance	79.6	[1] 79.6
Over or under applied burden	79.9	79.9
Totals	----------	xxxx

[1] Denotes inverse amount.

[F.R. Doc. 59-7003; Filed, Aug. 21, 1959; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59-WA-75]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6139 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 139 presently extends from Mastic, N.Y., to Boston, Mass. The Federal Aviation Agency has under consideration the modification of the Providence, R.I., to Boston, Mass., segment of Victor 139 by redesignating it via an intermediate VOR to be installed at latitude 42°03'45", longitude 70°59'01", in the vicinity of Whitman, Mass., to provide more precise navigational guidance on this airway. Victor 139 is part of a dual airway structure between the Boston, Mass., and New York, N.Y., terminal areas. The existing segment between Providence and Boston will require a slight modification to include the proposed intermediate VOR. If such action is taken, the Providence, R.I., to Boston, Mass., segment of Victor 139 would be designated via the Whitman, Mass., VOR. The control areas associated with VOR Federal airway No. 139 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6139 (24 F.R. 1283) as follows:

1. In § 600.6139 *VOR Federal airway No. 139 (Mastic, N.Y., to Boston, Mass.)*, delete "INT of the Providence VOR 043° and the Boston VOR 133° radials; to the Boston, Mass., VOR." Substitute therefor "Whitman, Mass., VOR; INT of the Whitman VOR 041° and the Boston VOR 133° radials; to the Boston, Mass., VOR."

Issued in Washington, D.C., on August 17, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-6978; Filed, Aug. 21, 1959; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-WA-138]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of a Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6213 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 213 presently extends from Myrtle Beach, S.C., to Tappahannock, Va. The Federal Aviation Agency has under consideration a proposal to modify the segment between Myrtle Beach, S.C., and Rocky Mount, N.C. The present designation of this segment is via the Myrtle Beach VOR 033° and the Rocky Mount VOR 191° radials. Upon the commissioning of the Kinston, N.C., VOR at latitude 35° 22'12", longitude 77°33'30", on January 1, 1960, this segment will also be designated via a radial of the Kinston VOR which will improve navigation over this segment. If such action is taken, this segment of Victor 213 would be redesignated via the direct station to station radials between the Myrtle Beach VOR and the Kinston VOR to the point of intersection with the Rocky Mount 191° radial, to the Rocky Mount VOR. The control areas associated with this segment of Victor 213 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6213 (24 F.R. 3871) as follows:

In § 600.6213 *VOR Federal airway No. 213 (Myrtle Beach, S.C. to Tappahannock, Va.)*, delete "From the Myrtle Beach, S.C., VOR via the INT of the Myrtle Beach VOR 033° and the Rocky Mount VOR 191° radials;" and substitute therefor "From the Myrtle Beach, S.C., VOR via the direct station to station radials between the Myrtle Beach, VOR and the Kinston, N.C., VOR to the point of INT with the Rocky Mount, N.C., VOR 191° radial."

Issued in Washington, D.C. on August 17, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-6979; Filed, Aug. 21, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-104]

FEDERAL AIRWAYS AND CONTROL AREAS

Establishment of a VOR Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator § 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the establishment of VOR Federal airway No. 451 and associated control areas from New Bedford, Mass., to Boston, Mass. The establishment of Victor 451 and its associated control areas will provide an airway for the movement of air traffic between these terminals and will combine with a proposed Federal airway from Province, R.I., to Nantucket, Mass., to serve as a portion of a dual airway structure for air traffic from Boston, Mass., Nantucket, Mass., Hyannis, Mass., and Martha's Vineyard, Mass., terminals. If such action is taken, VOR Federal airway No. 451 and associated control areas would then extend from the point of intersection of the 177° radial of the intermediate VOR to be installed at latitude 42°03'45", longitude 70°59'01" (Whitman, Mass., VOR) and the Providence, R.I., VOR 113° radial thence via the Whitman VOR to the Boston, Mass., VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp. Parts 600, 601) by adding the following sections:

§ 600.6451 VOR Federal airway No. 451 (New Bedford, Mass., to Boston, Mass.).

From the point of INT of the Whitman VOR 177° with the Providence, R.I., VOR 113° radials via the Whitman, Mass., VOR to the Boston, Mass., VOR.

§ 601.6451 VOR Federal airway No. 451 control areas (New Bedford, Mass., to Boston, Mass.).

All of VOR Federal airway No. 451.

Issued in Washington, D.C., on August 17, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-6980; Filed, Aug. 21, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-FW-24]

CONTROL ZONES

Modification of Control Zone and Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1190 and 601.2359 of the regulations of the Administrator, as hereinafter set forth.

The present McComb, Miss., control zone and control area extension are partially defined by reference to the McComb low frequency radio beacon. The Federal Aviation Agency is planning to discontinue the operation of the McComb low frequency non-directional radio beacon on November 19, 1959. McComb Pike County Airport is presently served by the low frequency radio beacon on the airport and an omnirange station located 11.2 nautical miles east-northeast. If such action is taken the McComb control zone and control area extension will be amended by deleting reference to the McComb radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Forth Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 601.1190 and 601.2359 (14 CFR, 1958 Supp. 601.1190, 601.2359) to read as follows:

§ 601.1190 Control area extension (McComb, Miss.).

That airspace within five miles either side of the McComb VOR 074° radial extending from the VOR to a point fifteen miles east.

§ 601.2359 McComb, Miss., control zone.

Within a five-mile radius of the McComb-Pike County Airport and within two miles either side of the McComb VOR 074° and 254° radials extending from the five-mile-radius zone to a point ten miles east of the VOR.

Issued in Washington, D.C., on August 17, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-6981; Filed, Aug. 21, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

[Everglades National Park Order No. 2]

SUPPLY ASSISTANT

Delegation of Authority To Execute and Approve Certain Contracts

JUNE 25, 1959.

The Supply Assistant may execute and approve contracts not in excess of $5,000 for construction, supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised in behalf of any coordinated area.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., 1952 ed., sec. 2.) Region One Order No. 3 of August 28, 1957

GEORGE W. FRY,
Acting Superintendent,
Everglades National Park.

[F.R. Doc. 59-6991; Filed, Aug. 21, 1959; 8:47 a.m.]

Office of the Secretary

ANDREW P. JONES

Report of Appointment and Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Andrew P. Jones.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 12.

The name of the appointee's private employer or employers. Central Power & Light Company, Corpus Christi, Texas.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 6, 1959, as Deputy Director, Defense Electric Power Area 12, Office of the Assistant Secretary for Water & Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Unitex Corporation, Dallas, Texas.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

-U-Test-M Sales Company, Corpus Christi, Texas.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

ANDREW P. JONES.

AUGUST 6, 1959.

[F.R. Doc. 59-6992; Filed, Aug. 21, 1959; 8:47 a.m.]

GENERAL ACCOUNTING OFFICE

JOINT REGULATIONS FOR SMALL PURCHASES UTILIZING IMPREST FUNDS

CROSS REFERENCE: For recision of joint regulation for small purchases utilizing Imprest Funds jointly issued by General Services Administration, Department of the Treasury and General Accounting Office, see F.R. Doc. 59-7009, General Services Administration, *infra.*

DEPARTMENT OF THE TREASURY

JOINT REGULATIONS FOR SMALL PURCHASES UTILIZING IMPREST FUNDS

CROSS REFERENCE: For recision of joint regulation for small purchases utilizing Imprest Funds jointly issued by General Services Administration, Department of

the Treasury and General Accounting Office, see F.R. Doc. 59-7009, General Services Administration, *infra.*

Office of the Secretary

[AA 643.3]

ALUMINUM FOIL FROM AUSTRIA

Determination of No Sales at Less Than Fair Value

AUGUST 17, 1959.

A complaint was received that aluminum foil from Austria was being sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. The complaint was limited to converter, capacitor, and etched foils.

I hereby determine that aluminum foil from Austria of the types covered by the complaint is not being, nor is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Of the three types of foil covered by the complaint, only unbacked converter foil is sold to the United States. None is sold for home consumption. There are sales, however, to third countries.

For fair value purposes, purchase price was compared with the price to countries other than the United States. In calculating the latter, allowance was made for the cost of freight from the factory to the point of delivery.

During part of the period under investigation, it was found that purchase price was less than third country price with respect to certain, but not all, gauges. Both the quantities involved and the amount of the differences are considered to be not more than insignificant. During the course of the inquiry, the manufacturer adjusted his prices. As a result of the change in prices, purchase price has been not less than third country price since September 1958. Assurances have been given that future sales will not be made at what might be considered dumping prices.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-7002; Filed, Aug. 21, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PHILADELPHIA, PIERS, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8425, between Philadelphia Piers, Inc., Independent Terminals, Co., General Marine Terminals, Inc., United States Lines Co., et al., provides for the creation of an association to be known as the Port of Philadelphia Marine Terminal Association for the purpose of establishing and maintaining, among themselves, just and reasonable terminal definitions, rates, charges, classifications, rules, regulations and practices within the area from Wilmington, Delaware, to Trenton, New Jersey, both inclusive.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 19, 1959.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-7004; Filed, Aug. 21, 1959; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

WISCONSIN BANKSHARES CORP.

Order for Determination

In the matter of the request of Wisconsin Bankshares Corporation for a determination under section 4(c)(6) of the Bank Holding Company Act of 1956. (Docket No. BHC-48)

On July 15, 1959, the Hearing Examiner issued his Report and Recommended Decision in the above-entitled proceeding, recommending to the Board that it grant the request of Wisconsin Bankshares Corporation for a determination that First Wisconsin Company, Milwaukee, Wisconsin, and activities thereof are of the kind described in section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1843) and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act. The time for filing with the Board exceptions and brief to the recommended decision of the Hearing Examiner expired without any exceptions or brief having been filed.

Pursuant to section 4(c)(6) of the Bank Holding Company Act and section 5(b) of the Board's Regulation Y, and on the basis of the entire record, the Board hereby adopts the findings of fact, conclusions of law, and the recommendation of the Hearing Examiner as set forth in the attached copy of his Report and Recommended Decision.[1] The Board's approval of the request of Wisconsin Bankshares Corporation is based solely on the facts disclosed by the record; and if the facts should change in the future in such manner as to make the reasons for the Board's conclusion no longer applicable, the statutory exemption resulting from the Board's determination as set forth below would, of course, cease to obtain. Accordingly, the Board makes the following Order:

It is hereby ordered, For the reasons set forth in the Hearing Examiner's Report and Recommended Decision[1] of July 15, 1959, and on the basis of the record made at the hearing in this matter, that First Wisconsin Company and the activities thereof are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and therefore, Applicant's request with respect to First Wisconsin Company shall be, and hereby is, granted.

Dated at Washington, D.C., this 17th day of August 1959.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59-6982; Filed, Aug. 21, 1959; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Supp. 2]

JOINT REGULATION FOR SMALL PURCHASES UTILIZING IMPREST FUNDS

1. *Purpose.* This Supplement is issued for the purpose of rescinding the Joint Regulation For Small Purchases Utilizing Imprest Funds dated March 10, 1952, and Supplement No. 1, thereto, dated July 15, 1957. The principles, standards, and related requirements as set forth in these two issues will be incorporated in the regular instructions, regulations, circulars, or manuals currently used by the three signatory central agencies in prescribing the requirements and procedures relating to their areas of responsibility in Government-wide operations. See specifically Treasury Circular No. 1030; Section 1-3.604, Federal Procurement Regulations; and Chapter 2700, Title 7 of the General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

2. *Significant changes.* In this action the former distinctions between Agent Cashiers and Imprest Fund Cashiers as to titles, accounting and reporting procedures, documentation of transactions, and certain other requirements will be eliminated. The titles of "Agent Cashier" and "Imprest Fund Cashier" will be discontinued in favor of the general title "Cashier." The special term

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

"Imprest Fund" formerly used for advances for cash payment of small purchases of articles or nonpersonal services will be adopted as a general term to apply to all types of cash advances from disbursing offices which are not charged to agencies' appropriations or funds. The accounting and reporting requirements, the documentation of transactions paid in cash, and the reimbursement procedures will be standardized. Cashiers will not make any changes in their current operating procedures on the basis of this Supplement. Any changes required will be governed by the internal administrative regulations issued by their agency which promulgate the instructions and procedures contained in the three separate issues of the central agencies referred to in Paragraph 1.

3. *Future revisions or amendments.* Any future revisions to the established provisions for small cash purchases with payment from imprest funds will be developed by the central agency having the responsibility for the particular area involved in cooperation with the other two central agencies. The revised provisions will then be issued by the central agency concerned under its regular series of instructions.

4. *Effective date.* The rescission of the Joint Regulation and Supplement No. 1 thereto will be effective September 1, 1959.

FRANKLIN FLOETE,
Administrator of General Services.
JOSEPH CAMPBELL,
Comptroller General of the United States.
JULIAN B. BAIRD,
Acting Secretary of the Treasury.

AUGUST 18, 1959.

[F.R. Doc. 59-7009; Filed, Aug. 21, 1959; 8:50 a.m.]

TARIFF COMMISSION

BICYCLES

Reports to the President

AUGUST 18, 1959.

The U.S. Tariff Commission today submitted to the President its third periodic report on the developments in the trade in bicycles since the "escape clause" action of August 19, 1955, modifying the concession granted in the General Agreement on Tariffs and Trade on such bicycles classifiable under paragraph 371 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952, which order prescribes procedures for the periodic review of escape-clause actions. The review under paragraph 1 is limited to the determination of whether a formal investigation under paragraph 2 of the order should be made for the purpose of determining if a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its third report, the Commission advised the President that the conditions of competition between imported and domestic bicycles had not so changed since the issuance of its second report as to warrant the institution of a formal investigation.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

DONN N. BENT,
Secretary.

[F.R. Doc. 59-6993; Filed, Aug. 21, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 19, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35629: *TOFC service—Between Texas points and interstate points.* Filed by Southwestern Freight Bureau, Agent (No. B-7616), for interested rail carriers. Rates on commodities moving on class and commodity rates loaded in or on trailers and transported on railroad flat cars between Farmer's Branch, Smithville, and Wichita Falls, Tex., on the one hand, and points in official, southwestern, and western trunk line territories, on the other.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 63 to Southwestern Freight Bureau tariff, I.C.C. 4298. Supplement 38 to Southwestern Freight Bureau tariff I.C.C. 4312. Supplement 69 to Southwestern Freight Bureau tariff I.C.C. 4285.

FSA No. 35630: *TOFC service—Frozen shrimp from points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-7617), for interested rail carriers. Rates on frozen shrimp, breaded or not breaded, moving on commodity rates, loaded in or on trailers and transported on railroad flat cars from specified points in Louisiana and Texas to points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, also Memphis, Tenn., and Natchez, Miss.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 69 to Southwestern Freight Bureau tariff I.C.C. 4285. Supplement 6 to Southwestern Freight Bureau tariff I.C.C. 4324.

FSA No. 35631: *TOFC Service—From and to Pampa, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7618), for interested rail carriers. Rates on various commodities moving on class rates loaded in or on trailers and transported on railroad flat cars between Pampa, Tex., on the one hand, and points in trunk line, New England, and southwestern, and western trunk line territories, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4298 and other schedules named in the application.

FSA No. 35632: *TOFC Service—Between points in southern territory and points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2078), for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in or on trailers and transported on railroad flat cars between points in Southern Freight Association territory, on the one hand, and points in western trunk line territory, on the other.

Grounds for relief: Motor truck competition.

Tariff: Western Trunk Line Committee tariff I.C.C. A-4275.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6998; Filed, Aug. 21, 1959; 8:48 a.m.]

[Section 5a application No. 71]

HOUSEHOLD GOODS CARRIERS' BUREAU AND MOVERS & WAREHOUSEMEN'S ASSOCIATION OF AMERICA, INC.

Agreement

AUGUST 19, 1959.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed August 13, 1959 by:

F. L. Wyche, Executive Secretary, Household Goods Carriers' Bureau, 2000 P Street NW., Washington 6, D.C.

Agreement involved:

Agreement between and among common carriers by motor vehicle, members of Household Goods Carriers' Bureau and Movers & Warehousemen's Association of America, Inc., relating to joint consideration, initiation, cancellation, or change of quotations, tenders, rates, charges, rules, regulations, and practices governing the transportation of household goods between points in the United States.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such

application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-6999; Filed, Aug. 21, 1959; 8:48 a.m.]

[Notice 174]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 19, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62233. By order of August 14, 1959, the Transfer Board approved the transfer to E. C. Bisom, Newton, Iowa, of a portion of Certificate in No. MC 60120 issued April 17, 1950, to Thornley Wells, doing business as Wells Dray & Parcel, Moorhead, Minn., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Moorhead, Minn., and Fargo, N. Dak. William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-7000; Filed, Aug. 21, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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